

By Mr. GRAHAM: Petition of the State Legislative Board of Railroad Employees, urging the passage of House bill 10302 and Senate bill 3604, requiring common carriers to report to Interstate Commerce Commission the details of all injuries to employees—to the Committee on Interstate and Foreign Commerce.

By Mr. KNOX: Petition of Paige Street Free Baptist Church, of Lowell, Mass., in favor of the Bowersock anti-canteen bill—to the Committee on Insular Affairs.

By Mr. LANE: Resolution of the Commercial Club of Muscatine, Iowa, in support of the appropriation for celebrating the Louisiana purchase—to the Committee on Appropriations.

By Mr. MEEKISON (by request): Petition of G. N. Lewis and other druggists of Defiance, Ohio, for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. POLK: Paper to accompany House bill to increase the pension of S. B. Hench—to the Committee on Invalid Pensions.

Also, paper to accompany House bill granting a pension to John Culp—to the Committee on Invalid Pensions.

By Mr. PRINCE: Petition of the United Brotherhood of Carpenters of Moline, Ill., for the building of one or more new war ships in Government navy-yards—to the Committee on Naval Affairs.

By Mr. RYAN of New York: Resolution of McMahon Post, No. 208, of Buffalo, N. Y., in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. HENRY C. SMITH: Petition of the Christian Endeavor Society of the Church of Christ of Ann Arbor, Mich., urging the passage of the House bill prohibiting the sale of liquor in the Army and in Government buildings—to the Committee on Military Affairs.

By Mr. TONGUE: Remonstrance of the Woman's Christian Temperance Union of Canyonville, Oreg., against the sale of liquor in Alaska and in our new possessions—to the Committee on Alcoholic Liquor Traffic.

By Mr. WEAVER: Petition of D. H. Squire and others, of Ashville, Ohio, for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. WEYMOUTH: Petitions of the First Parish Sunday School and the Congregational Church of Westford, Mass., for the passage of the Bowersock anti-canteen bill—to the Committee on Military Affairs.

By Mr. WRIGHT: Petition of Granville Grange, No. 257, and Columbia Grange, No. 83, Patrons of Husbandry, State of Pennsylvania, in favor of Senate bill No. 1439, relating to an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. ZIEGLER: Affidavits to accompany House bill No. 9278, to correct the military record of George W. Cook—to the Committee on Military Affairs.

Also, resolution of the State Legislative Board of Railroad Employees of Pennsylvania, urging the passage of House bill 10302 and Senate bill 3604, relating to accidents to railroad employees and reporting the same to the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of the State Legislative Board of Railroad Employees of Pennsylvania, in favor of a law that will prevent the issuance of injunctions upon employees, and giving to them the right of trial by jury in cases of contempt—to the Committee on the Judiciary.

SENATE.

FRIDAY, May 4, 1900.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. WOLCOTT, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 996) providing for free homesteads on the public lands for actual and bona fide settlers, and reserving the public lands for that purpose; in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 8188) to amend the act approved March 3, 1893, for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of

the act approved March 3, 1883, and commonly known as the Bowman Act, and for other purposes; and it was thereupon signed by the President pro tempore.

PETITIONS AND MEMORIALS.

Mr. SIMON presented a petition of the Woman's Christian Temperance Union of Canyonville, Oreg., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Alaska, Hawaii, Porto Rico, Cuba, and the Philippines; which was ordered to lie on the table.

Mr. TELLER presented a petition of the Colorado Society, Sons of the American Revolution, of Denver, Colo., praying for the enactment of legislation to prohibit the desecration of the American flag; which was referred to the Committee on the Judiciary.

He also presented a petition of the Chamber of Commerce of Denver, Colo., praying that an appropriation be made for the continuance of the work of the Philadelphia Commercial Museum; which was referred to the Committee on Commerce.

He also presented a petition of the Christian Endeavor Union of Colorado Springs, Colo., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens, Soldiers' Homes, immigrant stations, Government buildings, and upon all grounds and premises used for military purposes by the United States; which was referred to the Committee on Military Affairs.

He also presented a petition of the Allied Printing Trades Council of Denver, Colo., praying for the enactment of legislation providing for the printing of the label of the Allied Printing Trades on all publications issued by the Government; which was referred to the Committee on Printing.

MISSOURI RIVER IMPROVEMENT.

Mr. ALLISON. I present sundry documents and papers relating to the Missouri River at or near Rulo and Nebraska City, Nebr., showing a special necessity for an early appropriation in order to preserve and protect the work already done and to preserve the channel from great damage likely to result if the work suggested is not done. I move that the papers be printed as a document and referred to the Committee on Commerce.

The motion was agreed to.

POST-OFFICE APPROPRIATION BILL.

Mr. WOLCOTT. By direction of the Committee on Post-Offices and Post-Roads I report back, with amendments, the bill (H. R. 10301) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1901, with a report, which I ask to have printed, and to have the bill printed with its amendments; and I have also to request that the testimony taken before the committee be likewise printed for the use of the Senate.

I give notice to the Senate that I shall be necessarily absent from the Senate for a few days, and I shall call the bill up for consideration on the 15th or 16th, probably on the 16th of May, at which time other members of the committee who will be temporarily absent from the Senate will be present to participate in its consideration. I beg to say to the Senate that there will be no unnecessary delay caused by this postponement, as there is a good deal of printing to be done, and Senators will, I know, want to consider the bill more or less before it is taken up.

Mr. CLAY. I ask the Senator if the 17th would not do as well as the 16th?

Mr. WOLCOTT. I would rather leave it the 16th, if I can, and I will meet the views of the Senator when the time comes.

The PRESIDENT pro tempore. The bill will be placed on the Calendar and printed with the report, under the rule. The Senator from Colorado asks that the testimony taken by the committee be printed for the use of the Senate. Is there objection? The Chair hears none, and it is so ordered.

REPORTS OF COMMITTEES.

Mr. MONEY, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 597) to provide for a public building at New Orleans, La., reported it with an amendment.

Mr. VEST, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 3754) for the erection of a public building at Florence, Ala., reported it with an amendment.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 3278) to authorize the laying and maintaining of a pneumatic-tube system between the Capitol and the Government Printing Office, in the city of Washington, in the District of Columbia, asked to be discharged from the further consideration of the bill, and that it be referred to the Committee on Printing; which was agreed to.

HEARINGS BEFORE COMMITTEE ON MILITARY AFFAIRS.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred

the resolution submitted by Mr. HAWLEY on the 14th ultimo, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Military Affairs be, and the same is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such hearings as may be had by the committee or its subcommittees in connection with bills pending before the committee, and to have the same printed for its use, and that such stenographer be paid out of the contingent fund of the Senate; and that the stenographer who reported the hearing already had before said committee be paid from said fund.

PAYMENT OF STENOGRAPHER.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. PROCTOR on the 2d instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized, out of the contingent fund of the Senate, to pay for stenographic work done before the Committee on Agriculture and Forestry, February 7, 1900, in relation to the agricultural interests of Alaska.

ASSISTANT CLERK TO COMMITTEE.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. HOAR on the 20th ultimo, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the assistant clerk to the Committee on the Judiciary be paid from the contingent fund of the Senate, at the rate of \$1,800 per annum, until otherwise provided by law.

COURTS IN WISCONSIN.

Mr. SPOONER. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. 4450) to provide for the holding of a term of the circuit and district courts of the United States at Superior, Wis., to report it with an amendment, and I ask for its immediate consideration.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the Committee on the Judiciary was to add as an additional section the following:

Sec. 3. The Attorney-General is hereby authorized to rent such room or rooms in said city as may be necessary or convenient for holding the terms of said court by the provisions hereof authorized.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. FAIRBANKS introduced a bill (S. 4564) to remove charge of desertion now standing against James Hennessy on rolls of the War Department; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. McENERY introduced a bill (S. 4565) granting an increase of pension to Elizabeth Drake; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4566) for the relief of the estate of William Griffith, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. GALLINGER introduced a bill (S. 4567) for the relief of W. B. Moses & Sons; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. CLARK of Wyoming (for Mr. WARREN) introduced a bill (S. 4568) granting a pension to William Hayden; which was read twice by its title, and referred to the Committee on Pensions.

Mr. KYLE introduced a bill (S. 4569) granting a pension to Eugene J. Oulman; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DAVIS introduced a bill (S. 4570) for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863; which was read twice by its title, and referred to the Committee on Indian Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. LODGE submitted an amendment proposing to appropriate \$15,000 to enable the Secretary of the Treasury to change the characteristic of Cape Cod light, at North Truro, Mass., from a fixed light to a flashing white light, intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

He also submitted an amendment proposing to appropriate \$100,000 for the purchase of a site and construction of a public building at Lawrence, Mass., in addition to the sum now authorized by law, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. KYLE submitted an amendment authorizing the continu-

ance of the Industrial Commission until December 31, 1901, with all the powers and duties imposed upon it by the acts of June 18, 1898, and March 3, 1899, etc., intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Education and Labor.

Mr. BUTLER submitted an amendment proposing to appropriate \$30,483,000 for inland transportation by railroad routes, etc., intended to be proposed by him to the Post-Office appropriation bill; which was ordered to lie on the table and be printed.

He also submitted an amendment proposing to appropriate \$12,500 for the necessary surveys, erection of buildings and other structures, and for the proper equipment of a station for the investigation of problems connected with the marine fishery interests in the Middle and South Atlantic States at some point in North Carolina, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment proposing to appropriate \$4,000,000 toward the armament and armor of domestic manufacture for vessels authorized by the acts of July 2, 1895, June 10, 1896, March 3, 1897, May 4, 1898, March 3, 1899, etc., intended to be proposed by him to the naval appropriation bill; which was ordered to lie on the table and be printed.

VIVISECTION REGULATIONS.

Mr. GALLINGER. Mr. President, I have here testimony taken before the Committee on the District of Columbia on the bill (S. 34) for the further prevention of cruelty to animals in the District of Columbia. There is a demand for this document from libraries of the country to some extent as well as from individuals, and I ask that 1,000 copies of it be printed in cloth and 1,000 copies in ordinary form.

The PRESIDENT pro tempore. Has the Senator any estimate as to the cost? Will the cost be over \$500?

Mr. GALLINGER. No; but the cost will come easily within \$500.

There being no objection, the order was reduced to writing, and agreed to, as follows:

Ordered, That the hearings on S. 34, for the further prevention of cruelty to animals in the District of Columbia, be printed; also that 2,000 additional copies be printed for the use of the Committee on the District of Columbia, 1,000 to be bound in cloth and 1,000 in paper.

HISTORY OF THE NATIONAL CAPITOL.

Mr. GALLINGER submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on the District of Columbia be, and it is hereby, authorized to obtain such photographs as may be necessary to complete Senate Document No. 60, Fifty-sixth Congress, first session, at an expense not to exceed \$300, to be paid from the contingent fund of the Senate.

SOUTH AFRICAN REPUBLICS.

Mr. WOLCOTT. I ask unanimous consent to call up a very short bill.

Mr. TELLER. I will ask my colleague to wait just a moment.

Mr. WOLCOTT. Certainly.

Mr. TELLER. The resolution about the Boers that I introduced was laid over until this morning. The Senator from Vermont [Mr. PROCTOR] is anxious to call up the measure he has in charge, and if I can have permission that the resolution shall go over under the same conditions until to-morrow morning, I will consent to that course.

The PRESIDENT pro tempore. Shall the resolution of the Senator from Colorado be laid on the table, subject to his call?

Mr. TELLER. Until to-morrow morning.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

Mr. BERRY. I understand the Senator from Colorado desires to have it understood that the resolution will be called up to-morrow morning.

Mr. TELLER. To-morrow morning, after the routine business.

Mr. BERRY. It will be called up after the routine business to-morrow morning.

SOLDIERS' HOME NEAR DENVER, COLO.

Mr. WOLCOTT. I ask unanimous consent, inasmuch as I am compelled to be away from the Senate for a week and more, going to Colorado, that I may call up a very short bill, which it will take but a moment to pass. I am sure there will be no objection to it. I ask the Senate to proceed to the consideration of the bill (S. 4039) to establish a Branch Soldiers' Home at or near Denver, Arapahoe County, Colo.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Board of Managers of the Home for Disabled Volunteer Soldiers to locate a branch of the Home at Denver, Arapahoe County, Colo., or within a radius of 10 miles thereof. The same shall not be located on a tract of land less than 300 acres

in extent. Within six months, or as soon thereafter as practicable, from the approval of this act the Board of Managers shall commence the erection of or purchase a suitable building or buildings on the grounds so purchased for the use of the Branch Home, and the sum of \$250,000 is appropriated for the purposes hereinbefore mentioned and the improvement of the grounds of the Branch Home.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 3d instant approved and signed the joint resolution (S. R. 51) recognizing the gallantry of Frank H. Newcomb, commanding the revenue cutter *Hudson*; of his officers and men; also retiring Capt. Daniel B. Hodgson, of the Revenue-Cutter Service, for efficient and meritorious services in command of the cutter *Hugh McCulloch* at Manila.

ARMY REORGANIZATION BILL.

Mr. PROCTOR. I ask the Senate to proceed to the consideration of the bill (S. 4300) to increase the efficiency of the military establishment of the United States.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. PROCTOR. The bill has once been read.

The PRESIDENT pro tempore. The bill is open to amendment.

Mr. PROCTOR. I move, on page 2, line 1, after the word "corps," to insert the words "that can not be filled in the manner hereinbefore provided." It is merely an explanatory verbal amendment.

Mr. SEWELL. After what word?

Mr. PROCTOR. After the word "corps." I will say to the Senator from New Jersey that it is the amendment proposed by him.

Mr. SEWELL. Let the clause be read as it would read if amended. Should it come in after the word "corps" or after the word "occur?"

Mr. PROCTOR. It comes in after the word "corps."

Mr. SEWELL. It will then read:

Except that of the chief of the department or corps, that can not be filled in the manner hereinbefore provided.

The amendment was agreed to.

Mr. PROCTOR. In section 14, page 7, line 21, after the word "the," I move to insert the word "rank;" and in the same line, after the word "captain," to strike out the word "mounted" and insert the words "of infantry without command;" so as to read "the rank, pay, and allowances of a captain of infantry without command."

I will state that the purpose of this amendment is to make the pay of chaplain for volunteers and regulars the same.

Mr. SEWELL. I suggest to the Senator from Vermont that by that amendment he is appointing chaplains to cavalry regiments and not giving them a mount. They ought to be provided for differently from infantry.

Mr. PROCTOR. I think the suggestion of the Senator is a sound one, and I will accept such an amendment if he will prepare it.

The PRESIDENT pro tempore. Does the Senator from Vermont withdraw his amendment?

Mr. PROCTOR. No; let it stand agreed to for the present. The Senator from New Jersey will modify it, perhaps.

The amendment was agreed to.

Mr. TILLMAN. Is the bill open to further amendment?

The PRESIDENT pro tempore. It is.

Mr. TILLMAN. In section 15, page 8, line 4, after the word "major-general," I move to strike out all of the section down to the word "Commanding," in line 9; so that it will read:

That the senior Major-General Commanding the Army shall have the rank, pay, and allowances of a Lieutenant-General, and his personal staff shall have the rank, pay, and allowances authorized for the staff of a Lieutenant-General.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. In section 15, page 8, line 4, after the word "Major-General," strike out the words—

now commanding the Army shall have the rank, pay, and allowances of a Lieutenant-General, and on retirement shall have the retired pay of a Lieutenant-General; and his personal staff shall have the rank, pay, and allowances heretofore fixed by law for the staff of a Lieutenant-General; and thereafter the General.

Mr. PROCTOR. I will not object to that amendment.

The PRESIDENT pro tempore. The Secretary will read the section as it will be if amended.

The Secretary read as follows:

SEC. 15. That the senior Major-General Commanding the Army shall have the rank, pay, and allowances of a Lieutenant-General; and his personal staff shall have the rank, pay, and allowances authorized for the staff of a Lieutenant-General.

The PRESIDENT pro tempore. Will the Senate agree to the amendment?

The amendment was agreed to.

The PRESIDENT pro tempore. There must be better order in the Senate.

Mr. SPOONER. I ask that the amendment be read again as amended. I could not hear it.

The PRESIDENT pro tempore. The section will be again read as amended.

The Secretary again read section 15 as amended.

Mr. BERRY. I desire to make a motion to strike out section 15 altogether, if it is in order at this time.

The PRESIDENT pro tempore. The Senator from Arkansas offers an amendment, which will be read.

Mr. BERRY. I am opposed to that section of the bill. One reason is that I do not think there is any necessity for a Lieutenant-General.

Mr. TELLER. Will the Senator yield to me for just a moment?

Mr. BERRY. Certainly.

Mr. TELLER. Mr. President, I wish that we could have some order in the Senate. I do not like to complain about it, but yesterday all day there was so much confusion in the Senate that the reporters stated to me that it was quite impossible for them to report accurately the proceedings of the Senate.

Looking over some brief remarks I made yesterday I find some very material mistakes, not the fault of the reporters, but the fault of the Senate itself, on account of the confusion and the loud talking and the continual moving about. This has grown to be so intolerable that I notice now what formerly was never known to take place, that the reporters are often obliged to take a seat near the speaker. That has been going on here for several months, and it seems to me that we have reached a point where there must be order maintained in the Senate. When the Senator from Arkansas rose to speak nobody could hear him in my vicinity, and I suppose he could not be heard anywhere else for the noise that was prevalent all over the Chamber.

The PRESIDENT pro tempore. The Senator from Arkansas proposes an amendment that will be stated.

The SECRETARY. On page 8, it is proposed to strike out all of section 15.

Mr. BERRY. Mr. President, it is not my intention or purpose to make any speech on the question. I do not think there is any necessity for a Lieutenant-General. There can be no reason for it except to give the Major-General Commanding increased pay, together with his staff. I see no good that could be subserved by it. That is the only reason that I care to state. I give that as a reason why I think it should be stricken out.

Mr. PROCTOR. Mr. President, I am no partisan especially of the present senior Major-General Commanding the Army, but it seems to me that our military organization, present and prospective, has come to be of such importance that the commanding officer ought at least to have the rank of Lieutenant-General. Comparing it with the rank of the Navy and with the rank of commanding officers of other armies, certainly we are far below them in that respect. Everyone must admit that the present Major-General Commanding the Army is an able and excellent soldier, every way deserving of this rank, and it seems to me it should be made permanent. It is not personal to him, but hereafter our Army should have that rank for its commanding officer.

Mr. BATE. Mr. President—

Mr. PLATT of Connecticut. May I make an inquiry? Has there ever been a permanent officer of this rank, or have all the appointments to this rank been temporary heretofore?

Mr. SEWELL. They have been permanent. General Grant's appointment was permanent, and General Sherman's; Lieutenant-General Sheridan's was a permanent appointment.

Mr. PLATT of Connecticut. I know; but when General Grant resigned—

Mr. STEWART. General Sherman was appointed.

Mr. BATE. I wish the Senator from Connecticut would speak louder. What is the question asked by the Senator?

Mr. PLATT of Connecticut. My question was whether by previous legislation of Congress we had made the commanding officer of the Army in general terms a Lieutenant-General or whether our previous legislation on this subject had been to make the officer then commanding the Army a Lieutenant-General, so that the rank failed with his death. That is the question.

Mr. BATE. Mr. President, I am one of those who do not believe in the necessity of having this increased rank. I think the history of this country with all its wars and in all its regulations and organizations of the Army shows conclusively that there is no necessity for this increase of rank. The major-generals of the Army have been assigned to the command of the Army at the discretion of the President, and they have generally been successes.

Why do we now at this time propose to change the law and increase the rank of the major-general who may now or hereafter be in command of the Army? I think the history of the country,

the experience we have had, the character of those who have as major-generals filled this place by assignment of the President, have shown that there is no necessity for this increase of rank.

The truth is, Mr. President, there seems to be a tendency to increase the rank of almost every officer in the Army. There has been a general effort, even a push, in that direction; and not only so, but it seems that there is a general tendency to increase the strength of the Army even in time of peace, as well as to add to its official organization. I believe this is error. We have had success so far, very marked success, as I said, with those who have commanded the Army. Nearly all of them were major-generals, not Lieutenant-Generals, and why at this time should we make a Lieutenant-General? You have no war now of any consequence. We are obliged, or at least we ought to lessen the strength of the existing Army; and the people of this country will cry out for it louder than they are doing. Why need we now increase the rank over that of a major-general when we never have done so except when some major-general was retiring from the command of the Army—like General Schofield and some others.

Mr. BERRY. Like General Sheridan.

Mr. BATE. Like increased rank conferred on General Sheridan just before he died, and done to give the rank to him and the increased pay to his widow. This official rank has heretofore died with the man. So it has been all along the line, and why need we now give it to any man and make the law permanent?

I wish to say in this connection that I understand the effect of the amendment, which has already been adopted, to be a little different from what it appears to be as interpreted by the Senator from Vermont. It seems to me it is left discretionary with the President as to who shall command the Army, but the commander shall have the rank of Lieutenant-General. He can appoint the man now there, or he can appoint some one else. It does not confine him to one person.

Mr. SEWELL. Mr. President, my memory, like that of many other gentlemen here present, extends back to the civil war when the organization of the Confederate army had nineteen lieutenant-generals and eight generals, a general being equal to the late promotion we made of Admiral Dewey; lieutenant-generals being the same as vice-admirals of the Navy, of which we have none at the present time. There were several officers promoted. The memory of the distinguished Senator from Tennessee [Mr. BATE] does not go back to it, but General Grant was a Lieutenant-General and afterwards a General. General Sherman commanded the Army as Lieutenant-General, if I remember aright, and so did General Sheridan.

Mr. BATE. I think General Sheridan never commanded as Lieutenant-General. He was given the rank just before he died.

Mr. SEWELL. I think he was given the rank of Lieutenant-General before. I was present here at the time. He was given the rank of General the day he died.

Mr. BATE. I may be mistaken about that. I remember his promotion to some rank just before his death.

Mr. SEWELL. Now, as to the personality of the present officer in question, I beg to say that I remember him as a lieutenant of volunteers, promoted more rapidly by reason of the distinction attained, his adaptability in every sense for the position of a soldier than any other officer in the Army. General Miles, if my memory serves me aright (I have not the figures, but I think I can find them) was promoted from a lieutenant, and he was a major-general at the age of 26. Everybody knows that he has devoted his best efforts from that day to this to the position he held in the Army. He was distinguished beyond measure as an Indian fighter. He is distinguished in every sense in relation to his profession, greatly to his honor, as he has educated himself in the line of duty of a soldier and an officer.

Miles lost his great opportunity to distinguish himself still further by the closing of the war in such short order. To a student of military history he had made the most excellent disposition from his landing to the capture of Porto Rico, having on different roads concentrated Schwan on one side and Henry on another, and several other officers, so that just as he was ready, having all his dispositions made without the loss of a man practically, having his guns shotted on the main line of defense, came the courier that the war had been closed. It reminds me of a little incident that occurred to me in support of a cavalry raid under Averell. Crossing the Rappahannock River in 1863 with a thousand picked men, about 100 from each regiment, the choice of the Army, I commanded two regiments of cavalry in support, and was about to lead them when a courier arrived countermanding the whole expedition. We were called in by Averell for advice. The first officer who was spoken to was a distinguished cavalry officer from Rhode Island, who has since been in our consular service. When this officer was asked, "What would you do?" he said, "Shoot the courier." I think I would have been inclined if I had been in Miles's position to have shot the courier.

We have to-day an Army of 100,000 men. In any well-organized army in Europe there would be ten major-generals; there would

be two lieutenant-generals; there would be one general, and there would be a field marshal. Why is it that we can not hold out the glittering stars of glory for the advancement of a soldier? Why is there no reward? Why is it that the Army is treated so? Why is it that the Navy has sixteen or seventeen major-generals and sixteen or seventeen brigadier-generals and one general, a rank above that asked for the commanding officer of the Army, while they have 20,000 men and the Army has 100,000?

Mr. President, history will look upon the change in our Army from 25,000 to 275,000 odd within one hundred days as the greatest achievement in a military line that has ever occurred on the face of the earth; and we give them no credit for it. We abuse them for canned beef or something of that kind, but no credit for gathering that great mass of men and holding them in readiness to send to our foreign possessions.

It is not so much the army in Cuba, where they distinguished themselves very gallantly indeed, that made Spain abandon that island. It was the 200,000 men from the slopes of the Alleghenies down to the everglades of Florida who were ready to advance. Those are the men who conquered the war. That was the policy that did it. Who is entitled to the credit? The Major-General Commanding the Army ought to have his share, and the staff corps. They are the men who created the Army, who won the victory without a shot, and now, with 100,000 men in the field it can not be denied that we who have pride in the Army and in its glory should at least have rank of Lieutenant-General for the commanding officer and that of major-general for his chief of staff.

Mr. President, I do not want to consume the time of the Senate long on this subject. I trust the amendment will not be adopted.

Mr. LODGE. Mr. President, I do not wish to take any time to discuss the question, for I have no doubt the Senate is ready to vote, but I should like to have one single letter read which is embodied in a House report, which I have marked. I ask the Secretary to read it.

The PRESIDENT pro tempore. Without objection, it will be read.

The Secretary read as follows:

HEADQUARTERS SECOND CORPS,
Thoroughfare Gap, June 24, 1863.

SIR: Col. Nelson A. Miles, Sixty-first New York Volunteers, a son of Massachusetts, has distinguished himself on many fields; at Fredericksburg and Chancellorsville he won his promotion. The official reports of his brigade, division, and corps commanders are so singularly marked in his case in reference to Chancellorsville that no other recommendation should be required.

He is one of the bravest men in the Army; a soldier by nature. Had we all such men in command of our troops, we could never suffer disaster. He is one of that class of commanders who seek the enemy and fight him—never hides his troops when the cannon sounds in his ear.

It would be one of the most meritorious actions of that person's life who secured his appointment to a brigade and would redound to his own credit, for if Colonel Miles lives he will be one of the most distinguished officers in the service.

I have the honor to be, very respectfully, your obedient servant,

WINFRED S. HANCOCK,
Major-General, Commanding Corps.

HON. HENRY WILSON,
Senator from Massachusetts, Washington, D. C.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. BERRY. Let us have the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. TELLER. Mr. President, I am going to vote to give to this officer the rank the committee have recommended. It strikes me that if we are looking to the future of our Army, as the Senator from New Jersey [Mr. SEWELL] says, it is well enough to gratify a laudable ambition by giving them an opportunity to achieve a rank of this character.

Mr. President, I wish to say a word or two about General Miles. There was some disposition in this country during the last war to underrate his service. I am one of those who believe that if he had been called into the councils of the Government as he should have been and put to the front, some difficulties that we are now encountering might have been saved.

When Mr. Cleveland came into power the first time he found difficulties in the Southwest with the Indians. There had been difficulty there for many years. He sent for the Secretary of War, and he said, "I want an officer who can quiet affairs in Arizona." General Miles was sent there, and he did what other officers of great renown and reputation had failed to do. He compelled a peace that has lasted from that time to this. If there is any man in the public service to-day who deserves a recognition of this kind, it is the Major-General now commanding our Army.

To a soldier the question of rank is more important than to us civilians. We, brought up in the pursuits of peace, care but little about the name. To a soldier rank is everything. It is a recompense for deprivations and sufferings and services that he looks forward to with great and proper ambition. Why should we deny it? Why should we say that it is not republican? Should

we adhere to the notion that republican simplicity consists in low names and not in recognition of the services of our people? Not at all.

Mr. President, for many years it was one of the theories that republican simplicity required us to treat our ministers abroad as ministers and not as ambassadors. The official positions of American representatives, representing the greatest nation in the world, were such that when there was a pageant which they were obliged by the custom of the court to which they were accredited to attend, they were compelled to follow in rank the representatives of Haiti and governments of that size, simply because those petty governments had designated their ministers as ambassadors; which we declined to do.

Mr. President, there is not any republican simplicity in this method. These men are entitled to this rank. It costs us so little that it is a matter which no one need consider. It is a recompense for their services; and I repeat that there is no man in the Army and no man in public life who deserves this recognition more than the General now commanding our armies.

Mr. BATE. Mr. President, the Senator from New Jersey [Mr. SEWELL] alluded to the fact that the Confederacy had lieutenant-generals. That is true, but that was during war. What would have been done in time of peace, had the Confederacy succeeded, is another question. But though, during the war, we on the Confederate side had a lieutenant-general, on the Federal side there was, as I understand, no lieutenant-general at all until after the battles in 1863 or early in 1864, when General Grant alone was made a lieutenant-general, if I am not mistaken.

I will say to the Senator from Colorado [Mr. TELLER], in regard to the inducements to these men to make them excellent in their line, if there is one thing we should be careful about, to inspire energy and proper equipment for official place such as that of a lieutenant-general, a general, or a major-general, it is that we should keep these major-generals all upon a line except as to seniority, and let the one who shows himself to be the most efficient at least have a chance, through the assignment of the President, to take charge of the Army. That has been the course heretofore; it has been a success; and I see no reason why it should be changed.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Arkansas [Mr. BERRY], on which the yeas and nays have been ordered.

Mr. PETTIGREW. I should like to have the amendment again stated.

The PRESIDENT pro tempore. It is to strike out all of section 15 as amended.

The Secretary proceeded to call the roll.

Mr. BACON (when his name was called). I have a general pair with the junior Senator from Rhode Island [Mr. WETMORE], who seems to be absent. I therefore withhold my vote.

Mr. BURROWS (when his name was called). I am paired with the senior Senator from Louisiana [Mr. CAFFERY]. If at liberty to vote, I should vote "nay."

Mr. CULBERSON (when Mr. CHILTON's name was called). My colleague [Mr. CHILTON] is paired with the senior Senator from West Virginia [Mr. ELKINS].

Mr. ELKINS. Not on such a question as this. Our pair is a general pair.

Mr. HANSBROUGH (when his name was called). I have a general pair with the Senator from Virginia [Mr. DANIEL]. I take the liberty of transferring that pair to the senior Senator from Rhode Island [Mr. ALDRICH], who is absent, and will vote. I vote "nay."

Mr. KENNEY (when his name was called). I am paired with the Senator from Pennsylvania [Mr. PENROSE], and therefore withhold my vote.

Mr. LINDSAY (when his name was called). I have a general pair with the senior Senator from Michigan [Mr. McMILLAN]. I do not see him present, and therefore withhold my vote.

Mr. PLATT of New York. I have a general pair with the Senator from Idaho [Mr. HEITFELD]. I understand he has not voted.

The PRESIDENT pro tempore. The Chair is informed that the Senator from Idaho has not voted.

Mr. PLATT of New York. If he were present, I should vote "nay;" but in his absence I withhold my vote.

Mr. PRITCHARD (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. McLaurin]. If he were present, I should vote "nay."

Mr. PROCTOR (when his name was called). I have a pair with the senior Senator from Florida [Mr. MALLORY]. Although I feel, under my agreement with him, that I have the liberty to vote, I prefer not to do so.

Mr. RAWLINS (when his name was called). I am paired with the Senator from Ohio [Mr. HANNA]. If he were present, I should vote "nay."

Mr. PROCTOR. I would ask the Senator from Utah if we can not transfer our pair so that the Senator from Ohio [Mr. HANNA]

will stand paired with the Senator from Florida [Mr. MALLORY], which will enable the Senator from Utah and myself to vote, if that is agreeable to the Senator.

Mr. BERRY. I suggest that that would simply give two votes to one side, as the Senator from Utah [Mr. RAWLINS] says he would vote "nay." That is a kind of pairing I do not understand.

Mr. HOAR. The Senator is not paired—

Mr. BERRY. If the Senator from Massachusetts will excuse me, the Senator from Vermont [Mr. PROCTOR] is paired with the Senator from Florida [Mr. MALLORY]. The Senator from Utah [Mr. RAWLINS] announces that if at liberty to vote, he would vote "nay." The Senator from Vermont would also vote "nay." The result would be that there would be two negative votes and the Senator from Florida would be left unpaired.

Mr. HOAR. There is nobody with whom that Senator would be paired on this vote; and the two votes "nay" would not change the result.

Mr. BERRY. That is a question for the Senator from Vermont to settle, not for the Senator from Massachusetts or myself either.

The PRESIDENT pro tempore. The Secretary will proceed with the roll call.

Mr. RAWLINS. I am paired, as I have announced, with the Senator from Ohio [Mr. HANNA].

Mr. SPOONER (when his name was called). I have a general pair with the Senator from Tennessee [Mr. TURLEY], who is necessarily absent from the city. If I were at liberty to vote, I should vote "nay."

Mr. SULLIVAN (when his name was called). I have a general pair with the junior Senator from Illinois [Mr. MASON]. In his absence, I withhold my vote.

Mr. TALIAFERRO (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. SCOTT].

Mr. TILLMAN (when his name was called). I have a general pair with the Senator from Nebraska [Mr. THURSTON], who is absent. If he were present, I should vote "nay."

The roll call was concluded.

Mr. BERRY. My colleague [Mr. JONES of Arkansas] is necessarily absent from the Senate to-day. I think that he has a general pair with the Senator from Maine [Mr. HALE]. If my colleague were present, he would vote "yea."

Mr. ELKINS. The junior Senator from Texas [Mr. CULBERSON], under a misapprehension, announced my pair with the senior Senator from Texas [Mr. CHILTON], who is absent. That is a general pair on political questions. I do not regard this as a political question, and I desire to vote. I vote "nay."

Mr. BURROWS. I suggest to the Senator from Delaware [Mr. KENNEY] that he transfer his pair with the Senator from Pennsylvania [Mr. PENROSE] to the senior Senator from Louisiana [Mr. CAFFERY], so that we may both vote, if agreeable to him.

Mr. KENNEY. That is satisfactory to me.

Mr. BURROWS. Then I vote "nay."

Mr. KENNEY. I vote "yea."

Mr. PROCTOR. With the consent of the Senator from Utah [Mr. RAWLINS], I transfer my pair with the Senator from Florida [Mr. MALLORY] to the Senator from Ohio [Mr. HANNA], so that the Senator from Utah and I may both vote.

Mr. RAWLINS. That is entirely satisfactory to me.

Mr. PROCTOR. I vote "nay."

Mr. RAWLINS. I vote "nay."

Mr. LINDSAY. I will ask the junior Senator from Michigan [Mr. BURROWS] if he knows how his colleague, if present, would vote on this question?

Mr. BURROWS. I think, if present, my colleague would vote "nay."

Mr. LINDSAY. I announce that if I had the right to vote I should vote "nay."

Mr. BURROWS. I will take the responsibility of saying that my colleague would vote "nay," if present.

Mr. LINDSAY. Then I vote "nay."

Mr. HALE. I have a pair with the Senator from Arkansas [Mr. JONES]. It is a very liberal kind of a pair. It goes on the presumption that each Senator may vote when he pleases. I do not think the Senator from Arkansas or I has announced that pair on the floor of the Senate in the last two years, either of us in the absence of the other, in all a half dozen times. On all party matters we look out for each other. I do not notify the Senator from Arkansas when I am to leave the Chamber nor does he notify me. We have a pair that leaves it discretionary; we have a pair of such a nature that it prevents what is constantly occurring here—that lack of a quorum by Senators announcing pairs upon matters which are not party matters and thus suspending the action of the body. I had a similar pair for years with the late distinguished Senator from Kentucky, Mr. Beck, and, after that, with Senator Ransom, of North Carolina.

I was absent the other day when very important matters came up, not on party lines, and the Senator from Arkansas voted, as

he ought to have voted; and I voted on that consideration to-day; but if his colleague says that my pair desires in this case that I shall announce the pair, I shall certainly do so.

Mr. BERRY. Mr. President, I have no desire in the world that the Senator shall announce the pair, but I thought it due to my colleague [Mr. JONES of Arkansas] to announce how he would vote on this question if he were present, and I said he would vote "yea." As a matter of course, I have no objection in the world as to the Senator from Maine voting. His vote does not affect the result in any way, and even if the pair were not the kind of a pair the Senator has stated, he would have a perfect right to vote. I make no kind of objection, but I wanted it to go on record that if my colleague were present he would vote "yea."

Mr. HALE. That, of course, is very proper; and I will let my vote in the negative stand.

Mr. BATE. In that connection I beg to say that my colleague [Mr. TURLEY], whose pair has been announced, if present would vote "yea."

Mr. BACON. I desire to inquire if any Senator on the other side of the Chamber is authorized to give an assurance as to how the junior Senator from Rhode Island [Mr. WETMORE] would vote on this question if present?

Mr. ALLISON. I think I can give the assurance that the Senator desires.

Mr. BACON. I desire to know how the junior Senator from Rhode Island would vote if present?

Mr. ALLISON. I have no doubt the junior Senator from Rhode Island, if present, would vote "nay."

Mr. BACON. If I can act upon that assurance, I desire to vote; and I vote "nay."

Mr. GALLINGER. When the Senator from Illinois [Mr. CULLOM] left the city he requested that I should announce that he has a standing pair with the junior Senator from Virginia [Mr. MARTIN].

Mr. SIMON. I desire to announce that if my colleague [Mr. McBRIDE] were present he would vote "nay."

Mr. FAIRBANKS. I desire to state that my colleague [Mr. BEVERIDGE] is unavoidably absent from the Senate.

Mr. MONEY (after voting in the affirmative). The Senator from Oregon [Mr. SIMON] has announced that if his colleague [Mr. McBRIDE] were present he would vote "nay." I am paired with that Senator and have voted "yea." I did so because we were paired only upon political subjects. If this is a political question, I will withdraw my vote, but I do not consider it such.

Mr. TELLER. Oh, no.

Mr. HOAR. I hope the Senator will not withdraw his vote. I do not think it is a party question.

Mr. MONEY. I desire to protect my pair; but we have a distinct understanding that either may vote in the absence of the other on any but political questions.

Mr. SIMON. I wish to say to the Senator from Mississippi that if he desires to vote on this question he is at liberty to do so; and I think it will be perfectly agreeable to my colleague.

Mr. MONEY. Very well. Then I will let my vote stand.

The result was announced—yeas 8, nays 44; as follows:

YEAS—8.

Bate, Berry,	Butler, Clay,	Culberson, Kenney,	Money, Vest.
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NAYS—44.

Allison.	Foraker.	Kean.	Proctor.
Bacon.	Foster.	Kyle.	Quarles.
Baker.	Frye.	Lindsay.	Rawlins.
Bard.	Gallinger.	Lodge.	Ross.
Burrows.	Gear.	McComas.	Sewell.
Chandler.	Hale.	Mason.	Shoup.
Cockrell.	Hansbrough.	Nelson.	Simon.
Davis.	Harris.	Perkins.	Stewart.
Deboe.	Hawley.	Pettigrew.	Teller.
Elkins.	Hoar.	Pettus.	Wellington.
Fairbanks.	Jones, Nev.	Platt, Conn.	Wolcott.

NOT VOTING—35.

Aldrich.	Daniel.	McMillan.	Sullivan.
Allen.	Depew.	Mallory.	Taliaferro.
Beveridge.	Hanna.	Martin.	Thurston.
Caffery.	Heitfeld.	Morgan.	Tillman.
Carter.	Jones, Ark.	Penrose.	Turley.
Chilton.	McBride.	Platt, N. Y.	Turner.
Clark, Mont.	McCumber.	Pritchard.	Warren.
Clark, Wyo.	McEnery.	Scott.	Wetmore.
Cullom.	McLaurin.	Spooner.	

So the amendment of Mr. BERRY was rejected.

The bill was reported to the Senate as amended.

Mr. KENNEY. I offer the amendment which I send to the desk to come in on page 7, line 18, after the word "transfer."

The PRESIDENT pro tempore. The amendment submitted by the Senator from Delaware will be stated.

The SECRETARY. On page 7, in line 18, after the word "transfer," it is proposed to insert:

That the Veterinary Corps shall consist of—
A chief veterinarian with the rank, pay, and allowances of a colonel, United States Army.

An assistant chief veterinarian with the rank, pay, and allowances of a major, United States Army, to be promoted in 1905, after competitive satisfactory examination, from the grade of veterinarian and captain.

Four veterinarians with the rank, pay, and allowances of a captain of cavalry, to be promoted in 1903, after competitive satisfactory examination, from the grade of assistant veterinarian and first lieutenant.

Ten assistant veterinarians with the rank, pay, and allowances of a first lieutenant of cavalry, to be promoted, after satisfactory examination, from the grade of assistant veterinarian and second lieutenant after one year's service in this grade.

Twenty assistant veterinarians with the rank, pay, and allowances of a second lieutenant of cavalry, to be appointed after satisfactory examination: Provided, That these twenty positions shall include the veterinarians, first class, provided for in the act of March 2, 1899, who have passed satisfactory examinations, and also the six veterinarians, second class, who are now employed in the Army under said act of March 2, 1899.

All rules and regulations governing the Veterinary Corps shall be made by the Secretary of War, and the chief veterinarian shall report directly to that officer.

For pay of officers of the Veterinary Corps, \$33,500.

Mr. KENNEY. Mr. President, I shall not detain the Senate at any length by remarks on the amendment which I have just offered.

In any scheme for the reorganization of the Army of the United States there is no question that deserves more consideration than does that of a properly organized and commissioned veterinary corps. This country is alone in all the world in maintaining a great army without a properly organized and commissioned veterinary corps. In our Army to-day veterinarians are nothing more than civilian employees, hired from day to day, without any responsibility, and practically without authority.

The amendment which has just been read would increase the expense necessary to that corps over what is to-day being expended for the civilian service not more than \$6,000, while it would give to the service a corps commissioned and with all the responsibilities and with all the powers that go to commissioned officers.

I fail to understand what legitimate objection can be urged to the substitution in the Army of the United States of a corps like the one proposed by the amendment just read for that which to-day obtains in our service.

I have made a statement of the strength of the armies of the leading countries of the world, together with the number of veterinarians employed in those armies, which is as follows:

Staffs of various armies, January, 1899.

Country.	Strength, active army.	Medical officers.	Strength, cavalry.	Veterinary officers.
Austria-Hungary	305,735	1,385	47,380	180
Belgium	51,502	150	6,064	35
Denmark	13,734	55	1,390	14
France	617,959	1,485	80,048	a 432
Great Britain	222,301	1,580	17,588	136
Greece	24,076	(a)	4,877	(a)
Holland	78,093	184	4,193	(b)
Italy	230,760	691	23,507	189
Japan	87,560	(b)	3,500	(b)
Prussia	443,516	(c)	53,270	(d)
Roumania	127,984	73	16,053	- 44
Russia	868,672	(c)	90,000	(c)
Spain	128,153	793	14,376	236
Sweden	38,854	(c)	5,299	(c)
Switzerland	144,822	(c)	3,972	(c)
Turkey	276,000	(c)	21,800	(c)
United States	100,000			(e)

a Increased in 1890 to 603.—*Thierartz-Wochenschrift*.

b Number not given.

c Classification given by corps, division, brigade, and regimental staffs; to each of which medical officers and veterinarians are attached.

d Increased in 1890 to 501.—*Thierartz-Wochenschrift*.

e Irregular number of civilian employees.

And so, without reading this list, Mr. President, I may say every civilized country in the world does maintain, organized and commissioned, a proper veterinary corps.

Mr. President, in support of my amendment, I desire to have incorporated as a part of my remarks letters from distinguished officers of our Army, beginning with General Merritt. I will not read the letters now. They are from Gen. John R. Brooke; Gen. James H. Wilson; Gen. J. O. Breckenridge; Gen. Wallace F. Randolph, colonel of the First Artillery; Gen. Charles King, formerly captain of the Fifth Cavalry, now brigadier-general, United States Volunteers; Col. O. L. Hein, lieutenant-colonel of cavalry and commandant of cadets; Gen. James A. Beaver, ex-governor of Pennsylvania; J. G. C. Lee, colonel and assistant quartermaster-general, United States Army; Col. D. D. Wheeler, deputy quartermaster-general, and Maj. John W. Pullman, quartermaster, United States Army. All of these officers have not only approved this by word, but have written strong letters favoring the establishment of such a corps.

The letters referred to are as follows:

[From Maj. Gen. Wesley Merritt.]

HEADQUARTERS DEPARTMENT OF THE EAST,
Governors Island, New York City, February 15, 1900.

SIR: In reply to your inquiry, I have the honor to state that I am heartily in favor of the organization of a veterinary corps for the United States Army.

The need of a properly organized corps has long been recognized, especially by officers whose service has been with mounted troops. The cost of such a corps would be small, compared with the increase in the efficiency of the animals of the mounted and transportation services, and the value of what it would save to the Government. To make such a corps properly effective, the veterinarians composing it should of course have commissioned rank.

While I favor the establishment of an adequate veterinary service, I desire it to be understood that I am unalterably opposed to any legislation that would tend to increase the number of bureaus in the War Department.

Very respectfully,

Col. R. S. HUIDEKOPER,
Hotel Chamberlin, Washington, D. C.

[From Maj. Gen. John R. Brooke.]

HEADQUARTERS DIVISION OF CUBA,
Habana, December 4, 1899.

DEAR COLONEL: Replying to your communication of the 26th ultimo, relative to the establishment of a veterinary service in our Army, I desire to inform you that I have given this subject much consideration and thought in the past, and am greatly interested in the data you have collected from Europe, as well as your own views as set forth in the documents forwarded to me. I have always favored more scientific care of our Army transportation as well as cavalry mounts, and believe it would be to the interest of the Government to establish a veterinary corps on the lines set out by you.

All efforts heretofore set forth in this direction seem to have failed, but the results of the last war and the large, possibly unnecessary, loss of animals for want of proper care, would seem to make this a proper time to bring the matter up for the consideration of Congress. I assure you I am heartily in sympathy with your project and would be glad to see it successful. As to the details of the bill, I can not give my opinion, as I have no time to study them, but you are at liberty to mention me as an advocate for the establishment of a proper veterinary corps for our Army.

Very respectfully,

Col. RUSH S. HUIDEKOPER,
Hotel Bellevue, Philadelphia, Pa.

[From Maj. Gen. James H. Wilson.]

HEADQUARTERS
DEPARTMENT OF MATANZAS AND SANTA CLARA,
Matanzas, Cuba, January 2, 1900.

MY DEAR COLONEL: Replying to your letter of November 26, in reference to the establishment of a veterinary service in our Army, I take great pleasure in saying, from an extended experience as a commander of cavalry and from my observations as a corps commander of infantry, that there is no branch of the service so neglected as that of veterinary science and attention to the animals used in connection with the Army.

I heartily join in giving my commendation to the measure which is proposed in reference to the organization of a permanent veterinary corps as a part of the war establishment of the United States. Every encouragement should be given to this branch of the service. The officers should be duly commissioned, have promotion in their own corps, and be paid as high salaries as the corresponding grades in the Medical Department. They should of course be rigidly examined, not only for admission into the service, but for each promotion which might be made in their own corps.

Trusting that Congress will give favorable attention to this matter, and that you will pardon the delay in replying, I am,

Very truly, yours,

Col. RUSH S. HUIDEKOPER,
Hotel Bellevue, Philadelphia.

[From Brig. Gen. J. C. Breckinridge.]

WAR DEPARTMENT, INSPECTOR-GENERAL'S OFFICE,
Washington, December 18, 1899.

DEAR COLONEL: Your letter of the 16th instant has been received.

The establishment of a corps of veterinary surgeons to render systematic veterinary service in the Army would, I think, be of much value to all branches affected. I wish you every success in your undertaking. It is a matter of growing importance.

Very truly, yours,

Col. RUSH S. HUIDEKOPER,
1120 Vermont avenue, Washington, D. C.

[From Brig. Gen. Wallace F. Randolph.]

NEW YORK, December 15, 1899.

MY DEAR HUIDEKOPER: I am glad to learn that there is a movement on foot to establish a veterinary corps in the Army upon something like a practical basis. Every other country appears to have appreciated the necessity for thoroughly educated veterinarians, and I have for years seen the fallacy of our system. Not alone do we require competent men to care for the health of Government animals, but they should be qualified to lecture intelligently upon the subject of hippology to officers and enlisted men, the majority of whom have little or no knowledge upon the subject.

During the six years that I was in command of the Light Artillery School at Fort Riley, Kans., we had two veterinary surgeons, both graduates of good schools, stationed there, and while they were what might be called good "horse doctors," they utterly lacked ability to impart their knowledge to others. I believe that a course of instruction at West Point is absolutely essential to fit officers of the cavalry and light artillery not only to care for but also to select the animals to be purchased for the service. It would effect a great saving to the Government, and be an additional safeguard against dishonest dealers.

Sincerely, yours,

WALLACE F. RANDOLPH,
Colonel First Artillery.

[From Brig. Gen. Charles King.]

MILWAUKEE, January 2, 1900.

MY DEAR COLONEL HUIDEKOPER: I am really glad to hear that you have so earnestly taken up the matter of the establishment of a veterinary corps for service in our Army.

In my years on the frontier in the cavalry as well as the two years or more that I spent with Light Battery K, of the First Artillery, I was constantly impressed with the need of skilled veterinarians. As you say, it is not only necessary to have men who can practice, but those who can teach, and until

we have such a corps as you contemplate our mounted forces will continue to be seriously handicapped in the future as they have been in the past. I wish you every success.

Very sincerely,

CHARLES KING.

Formerly Captain Fifth Cavalry and Brigadier-General, U. S. V.

[From Col. O. L. Hein, commandant of cadets.]

HEADQUARTERS UNITED STATES CORPS OF CADETS,
West Point, N. Y., November 30, 1899.

DEAR SIR: In reply to your letter of the 25th ultimo, inclosing your paper on "Army veterinary service," read at the thirty-sixth annual meeting of the Army Veterinary Medical Association, New York, September, 1899, I have the honor to say that I am heartily in accord with the views expressed therein on the necessity of a proper veterinary corps in our Army and your proposed organization of same.

In my opinion it is very important that each cavalry regiment should have two veterinary officers, the light batteries a suitable number, and the Military Academy, the Leavenworth and Riley service schools each one, and an additional number be available for service with remount purchase boards, and a school of farriery (which should be established), etc.

The subject of hippology has been given some attention here, as much as the limited time available for such instruction permits, and I hope to be able to extend the scope of this very necessary instruction next summer.

Wishing you success in your laudable efforts to obtain for the Army the much-needed corps of veterinary surgeons, I remain,

Yours, faithfully,

O. L. HEIN.

Lieutenant-Colonel of Cavalry, Commandant of Cadets.

Dr. RUSH S. HUIDEKOPER.

[From Gen. James A. Beaver, ex-governor of Pennsylvania.]

THE SUPERIOR COURT OF PENNSYLVANIA,
JUDGES' CHAMBERS,
Philadelphia, Pa., December 8, 1899.

I am greatly interested in the effort now being made to provide a scientific and practical veterinary department for the Army. Important as such a department is at all times, it becomes an absolute necessity in view of Army operations in the West Indies and in the Pacific islands, where our animals for the cavalry and transportation department are unacclimated and require the most careful professional attention.

Very respectfully,

JAMES A. BEAVER.

[From Col. J. G. C. Lee, assistant quartermaster-general.]

HEADQUARTERS DEPARTMENT OF THE LAKES,
OFFICE OF CHIEF QUARTERMASTER,
Chicago, Ill., December 11, 1899.

MY DEAR COLONEL: Yours of December 5, inclosing your address on "Army veterinary service" before the thirty-sixth annual meeting of the American Veterinary Medical Association, last September, has been received. In reply I beg to say that I regard the establishment of a systematic veterinary service in the Army of great value. Such a system should be broad enough to provide a corps for the needs of the cavalry and artillery and the Quartermaster's Department.

On reading your proposed bill I am of the opinion that it should allow more rank to the officers. The senior veterinarian for a regiment should be at least a captain and his assistant a first lieutenant. And I think it will be well to add one officer, say, with the grade of major, who should be the inspector of the veterinary service.

I wish you every success in the creation of this branch of the service, and if created, I should be very glad to see you placed at the head of it.

Very sincerely, yours,

J. G. C. LEE.

Colonel and Assistant Quartermaster-General, U. S. A.

Col. RUSH HUIDEKOPER,
Washington, D. C.

[From Col. D. D. Wheeler, deputy quartermaster-general.]

WAR DEPARTMENT, DEPOT QUARTERMASTER'S OFFICE,
St. Louis, Mo., December 13, 1899.

MY DEAR COLONEL: Your letter of the 5th instant, with inclosure, was duly received.

I have followed your efforts and those of the veterinarians of the Army and others in civil life, always hoping that you might succeed in getting Congress to pass an act giving the veterinarians in the Army the rank of commissioned officers.

I would not have a separate corps like the Adjutant-General or Commissary-General, as you suggest, but would have the veterinary surgeons a division of the Quartermaster's Department, to consist of a lieutenant-colonel, a major, and such number of captains, first and second lieutenants, and citizen veterinarians on probation as the authorities may determine, who would be assigned to stations and duties upon the orders of the Secretary of War.

Appointments to the original vacancies and promotions to fill vacancies in each grade to be made according to existing law after a careful examination. The citizen veterinarians to serve two years on probation, when they would be examined and appointed to fill vacancies in the lower grade.

One could cover pages with arguments for commissioning veterinary surgeons.

With all good wishes, I am, truly, yours,

D. D. WHEELER.

Deputy Quartermaster-General, United States Army.

Col. RUSH SHIPPEN HUIDEKOPER,
Hotel Chamberlin, Washington, D. C.

[From Maj. John W. Pullman.]

QUARTERMASTER'S OFFICE, JEFFERSONVILLE DEPOT
OF THE QUARTERMASTER'S DEPARTMENT,
Jeffersonville, Ind., December 23, 1899.

DEAR COLONEL HUIDEKOPER: I am heartily in accord with your efforts looking toward the organization of a veterinary corps for our Army. Over thirty years' service as a commissioned officer of the mounted branches of the service enable me to speak with some knowledge on this most important matter. Never once in any phase of my duties as a cavalry officer on the

frontier for fifteen years, and as a quartermaster having the care of stock for fifteen other years, have I been free from the anxieties which my responsibilities as in charge of public animals have thrust on me, and which were caused by the daily need of skilled veterinary assistance.

I have seen horse after horse, mule after mule ruined and lost because efficient veterinary help was not available at the proper time. I have seen numbers of animals killed by the ignorant treatment of our so-called veterinary surgeons; "horse carpenters," our men derisively called them. But they were the best our laws of organization enabled us to have. The salary was small, the social and official position galling and unsatisfactory, and graduates of ambition, skill, and fidelity would not take the positions. There were some few exceptions under my observation, but very few. We were and are generally forced to depend on company farriers, enlisted men—horseshoers—selected for supposed knowledge of animals, acquired almost entirely by experience.

I have witnessed often ridiculous and lamentable results of this crude veterinary department. I recall an instance where one of our "horse carpenters" considered it necessary to give a valuable horse an injection. He applied the syringe to the rectum with such force and ignorance of the anatomy that the point of the syringe perforated the intestine, and the poor animal, in his muscular efforts to relieve himself, ejected the small intestines until they protruded and hung down a couple of feet; the animal had to be killed. Again, another "farrier" on the frontier, when asked what he administered to a sick horse, replied: "Oh, I give him the proper medicine." When pressed to name the remedy he had given, replied that he had given him the remedy marked for the trouble, but it had a Latin name, and he didn't know what it meant. And so on. The troubles we had in caring properly for our stock can be imagined. As remarked before, the pay, official and social status offered veterinary surgeons under existing laws do not attract the proper men, and we can not get them in emergency when needed.

During the late war with Spain we felt the need of competent veterinarians seriously. In Tampa, not having any for the Fourth Army Corps, I tried to get two from civil life in Mobile for the corps quartermasters, and could only get one to accept the job, and this after the most strenuous exertions and pleading. For my own use, in care of the quartermaster's depot stock, I had to satisfy myself with a "horse carpenter" to take with me to Porto Rico, and while chief quartermaster, Department of Porto Rico, after the occupancy of the island by our forces in August, 1898, I fell in charge of some 3,000 head of public animals. I had not a single veterinary surgeon to depend on. The animals were all more or less broken down by injury and disease, and, worst of all, glanders appeared in the corrals.

I had to send to the United States finally and have four veterinary surgeons sent to me. The delay was expensive. We lost hundreds of valuable animals.

Had we had a proper veterinary corps or department much money would have been saved and the military machine have been much more effective. War may be likened to a huge living monster, one of whose main arteries of efficient, successful, working life is its transportation and mount. The animals pertaining to an army should be well and properly and intelligently cared for and kept in working condition. This is essential. The general is indeed hampered who has a broken-down wagon and pack train, a corps of disabled animals for his mounted force.

I consider an army organization seriously incomplete without an efficient veterinary corps. Modern European armies have them; why should not the United States? We are modern and progressive and leading in all military matters, skill, and competency; why should we be behind in this?

Our veterinary corps, to be efficient, should be complete, and it can not be complete unless it is independent. Therefore it should be a separate corps—like the Medical Corps, the quartermaster's corps and the other separate and independent staff corps—necessary for a complete working military establishment. It should have a head, a professionally skilled, intelligent, directing, responsible head. Its members should be graduated veterinary surgeons and commissioned officers. They should be commissioned officers because of their constant close dealing and intercourse with enlisted men and camp followers, and their need, therefore, of a commissioned status to enable them to enforce, under military laws, their responsible, serious duties. There should be, in my judgment, no veterinarian with the grade of noncommissioned officer or any other enlisted or civil status, for if there were, there would be no improvement over present conditions, and present evils would still obtain. To make the corps efficient there should be in it a sufficient number of veterinarians to admit of the assignment of two to each mounted regiment in the field, one to every military post having stock, one to each depot of transportation of animals, and one to each depot for purchase and care of stock, and the necessary number to each stock hospital.

The separate and independent organization is necessary to enable its chief to intelligently and effectively direct individual assignment of members of his corps to positions, stations, and duties fitting the special skill, experience, and reputation of each member, and permitting useful changes and transfers when necessity arises and the needs of the service and altering circumstances develop. In no other way and under no other system can this be advantageously accomplished.

I trust the bill you have outlined will be speedily passed into law. It would be a most desirable consummation for the certain substantial good and improvement of our military establishment.

I am, very truly, yours,

JNO. W. PULLMAN,

Major and Quartermaster, United States Army.

RUSH S. HUIDEKOPER, M. D.,
Washington, D. C.

Mr. KENNEY. An amendment offered by me to the Army appropriation bill and also one offered to the bill introduced by the distinguished Senator from Connecticut [Mr. HAWLEY] went to the Committee on Military Affairs, but had no consideration, as I understand. I now propose this amendment to this bill, which, I understand, is for the reorganization of the Army and for the betterment of the service. If its title means anything, then there is no branch or arm of the service that needs more consideration than does the Veterinary Corps.

I hope that Senators in passing upon this question will take into consideration that in the establishment of this corps it is not going to cost the Government of the United States a sum larger by more than \$6,000 than that which is to-day being paid for the kind of service the Government is receiving.

In this connection I might say that there are not to-day in the Army service veterinarians who are able to give that consideration and examination to the great question of Army foods that are required. Many will remember the very disagreeable criticism

that was passed upon the administration of our Army during the Spanish-American war in regard to the food that was furnished to our armies. I desire to say—and I believe it to be true—that if we then had a commissioned veterinary corps under proper regulations, that criticism would never have been had.

It is fresh in the minds of many Senators what great loss the Government sustained in the death of the cavalry and artillery horses stationed in Florida. That loss was largely due to the lack of veterinary treatment. In the United States to-day the value of army animals is so large that it seems to me any legislation which would aid in the preservation and protection of the property of the United States in these animals would be the strictest sort of economy.

I do not desire to go into a more extended argument in favor of this proposition.

Mr. STEWART. Mr. President, I believe this is about as important a matter as any other connected with the Army. Having some knowledge of veterinarians in general, I think that that service ought to be improved. The men who are hired as veterinarians do not generally have such an education as would fit them to act in the examination and purchase of horses for the Government and in the care of such horses. The Government suffers great loss, and the Army is crippled and inefficient. On the mere matter of purchasing five or six or eight or ten thousand horses the Government will save more than the amount it would pay for a proper organization in the way of a veterinary corps to examine the horses.

Mr. PROCTOR. Will the Senator from Nevada allow me?

Mr. STEWART. Certainly.

Mr. PROCTOR. I think the veterinarians are now examined. Their pay has been increased, so that the veterinarians of the first class receive \$125 a month, the pay of an officer. Those of the second class receive \$75 a month. I know it has been insisted upon for a long time that they should be graduates of veterinary colleges, and they are examined, I am sure, before they are taken into the service.

Mr. STEWART. It may be sufficiently provided for already, but my observation is to the contrary. I have heard a good deal of complaint in regard to it. I know that during the civil war the Government was largely imposed upon by the want of an experienced, organized veterinary force. If it is organized, then in order to make it efficient there should be an inducement to men of the first class to educate themselves, because in that regard a high standard of service is important to the efficiency of the Army. If it is thoroughly provided for, I have nothing further to say, although I know it is of great importance.

Mr. PROCTOR. I will say to the Senator that there has been an entire change since the civil war. Then they had about the pay of a sergeant. Now those of the first class have the pay of a commissioned officer, a first lieutenant.

Mr. KENNEY. I desire to state that I understand there are but five or six veterinarians in the United States Army to-day who have passed an examination, and I think about three or four, not exceeding five, who are in the service by reason of long service, who failed to pass an examination.

Mr. FORAKER. I desire to ask the Senator having this bill in charge what is the distinction between the classes? The bill speaks of veterinarians of the first class and veterinarians of the second class.

Mr. PROCTOR. Those of the first class are those who have been longer in the service and are better entitled for that reason and for their proficiency to have that higher position. Of course that is open to the promotion of those of the second class.

Mr. FORAKER. It does not imply a difference, then, in the qualifications, I presume.

Mr. PROCTOR. Not necessarily.

Mr. FORAKER. All are supposed to be educated and capable and to have passed the examination, I presume.

Mr. KENNEY. I will ask the Senator in charge of the bill one question. That is, whether to-day there is or not a commissioned veterinarian in the United States Army?

Mr. PROCTOR. They are not commissioned officers. Those of the first class are paid the pay of a commissioned officer.

Mr. STEWART. Has this matter been considered by the Quartermaster's Department, which has particular connection with it? Has it been considered by the General of the Army or those having the matter particularly in charge? Have they been consulted in regard to this matter?

Mr. PROCTOR. This proposed amendment was before the Military Affairs Committee in the form of a bill, and was carefully considered, and I for one, and I think other members of the committee, visited the War Department and asked whether it was a thing desired for the Army, and they insisted that the present arrangement was entirely satisfactory.

Mr. COCKRELL obtained the floor.

Mr. GALLINGER. I will ask the Senator who insisted that that was the fact, inasmuch as almost all the higher officers of the

Army have written letters and personally have said that they desire this to be accomplished?

Mr. KENNEY rose.

Mr. PROCTOR. The Senator from Delaware, I am sure, has those letters in his possession.

Mr. KENNEY. Yes, sir.

The PRESIDENT pro tempore. The Senator from Missouri was recognized.

Mr. COCKRELL. Mr. President, the Committee on Military Affairs considered the general bill creating this corps of veterinary surgeons and voted against recommending its passage. I am opposed to the amendment, and I wish to say to the Senate that they probably have very little conception of the pressure that is brought to bear upon the Committee on Military Affairs to create additional corps in the Army. There are proposed a veterinary corps with a colonel at the head of it, a dental corps with a colonel at the head of it, a nurse corps with a colonel at the head of it. All these have been attempted to be ingrafted onto the Army to create separate and independent corps, and the Committee on Military Affairs thus far has not deemed it necessary to make any of those additions.

We have not recommended a veterinary corps because we do not believe a corps organization for the veterinary service is necessary. We already have under existing law veterinarians, two for each regiment of cavalry, and have had ever since the 3d of March, 1899. They are provided for in the bill that was passed for the reorganization of the Army. One of them has the pay of a lieutenant and the other one has \$75 per month. In this bill we create veterinarians for the horse artillery. I suppose there is no necessity that the heavy artillery should have veterinarians when they do not use horses.

There are two veterinarians of the first class and two of the second class, the first class receiving the pay of a lieutenant, the second class \$75, and they shall have the pay and allowances of veterinarians of cavalry of corresponding classes. We think this is an ample provision for the veterinary service. As I understand it, these veterinarians to be appointed have to be examined by a board to be constituted by the Secretary of War. I know a number of veterinarians from Missouri who were seeking these places, and on presenting the applications to the War Department they said they would make no appointments—that was last spring—until they had adopted rules and regulations and a board for their examination. I have not asked whether that has been done or not, but I presume it is in operation to-day, and that every veterinarian who has been appointed since the passage of the act of 1899, or who will be appointed under the provisions of this bill, will be those who have passed a satisfactory examination. I doubt not that examination will require that they shall be graduates of a veterinarian institution of this country or Canada.

Mr. President, we can see no necessity for a colonel to have charge of veterinarians throughout the Army. Those two veterinarians to each regiment go with the regiment. They are there; the horses are there; they are there to attend to them; and in the artillery the veterinarians will be in the same way. We can not see any necessity for or any benefit or any advantage from this. The only thing, it seems to me, will be the creation of a few officers with rank and pay and the privilege of retirement, and I do not believe that is either fair or just. It is purely a civilian employment.

Mr. WOLCOTT. Mr. President, I do not think the advocates of this amendment should be driven from its support because of the suggestion of the Senator from Missouri and others that opening the door to the appointment of a veterinarian staff would likewise lead to the appointment of a dental staff. It would not frighten me, for I recognize in the dental profession a body of educated and cultivated gentlemen whom I should be very glad to have represented with official rank in the armies of our country, especially since we are reaching out to distant colonies where treatment such as is obtained at home is impossible. But in the consideration of this amendment we need not dwell upon the possibilities of other open doors.

Mr. President, the fighting of this world, as is now being demonstrated in South Africa, is largely cavalry fighting. I think that it is becoming more and more evident to every student of wars, and if it is, there is no profession in the world that needs such encouragement and such advancement as that of the veterinarian, who can see that the horses of the Army are fit to fight with.

There is not another civilized country in the world that does not recognize veterinarians and give them commissions. It is true we have a few veterinarians. They are called farriers, I think, in the Army, and we put them down in the rank of privates or sergeants. We pay one of them, it is true, the salary of a first lieutenant, and we give the other \$75 a month, but that does not compensate a man who is a member of an honorable and educated and an intelligent profession. As was said here this morning by

my colleague in reference to another subject, it is the rank that counts. I think that a little consideration will convince every member of the Senate, who is not already convinced, of the great importance of the service which the professional veterinary renders and might still further render in the armies of the United States.

It is not alone in the treatment of the live stock of the Army. He deals also with the food that goes to our troops. He passes the meat on inspection. Every pound of fresh meat that is served to our soldiers passes under his intelligent inspection. All cattle that are bought upon the hoof and carried with the Army, to be killed as the necessity requires, must be treated by him; and any man who knows of the danger of contracting disease and sickness from diseased cattle can realize somewhat of the necessity that rests upon the Government to see that intelligent men deal with this question.

This Government has now, in times of peace, so far as its use of cavalry is concerned, more than \$3,000,000 invested in horses and mules. Unintelligent shoeing, unintelligent acclimatization, unintelligent treatment, ignorance in the purchase of horses, not only costs us hundreds and may cost hundreds of thousands of dollars a year, but in time of war would lead to endless and disastrous consequences. In England the head of the service ranks as colonel. In Germany they enter as subordinate officers and are promoted as high as the rank of major. In France and Italy and every other country the veterinarian is recognized by his official title.

I tell you, Mr. President, this whole question is not, in the minds of those who are considering it, I fear, a question as to the necessity of the service and the necessity of the intelligence of it, but it is a question whether or not the man who is vulgarly called a horse doctor ought to associate with officers who may be graduates of West Point.

Mr. President, we do not realize the growth that has taken place in that profession. There are to-day veterinary surgeons graduates of every college and university in the United States. I know men graduates of Harvard University living in Massachusetts who are to-day devoting their lives to the veterinary service. If it were not for the presence here of distinguished alumni of Harvard University I would almost be inclined to say that the flower of the university largely went into the veterinary service. I know graduates of Princeton and other colleges who adorn the profession.

All these professions are matters of growth and slow growth. To-day the medical profession is recognized as one of the noblest and best and most sacrificing methods by which a man may devote his life to the cause of his country. It is not a hundred years since skilled physicians used to prescribe powdered snail shells for disease and certain herbs plucked at a certain stage of the moon's phases. There are to-day men traveling around in some of the Southern and Western States, physicians admitted to the profession, with madstones in their pockets to cure hydrophobia. The profession is a noble profession, and it is growing, and it is recognized, and we are proud to have our brothers and our relatives and our friends members of it.

So the veterinary profession is growing, and if it be noble to devote one's self to ameliorating human suffering, it is greater and nobler in some respects to devote your life to the amelioration and the relief of the sufferings of dumb animals. That is what is going on in the profession to-day. Men from colleges and universities come out from them intending to devote their lives to the welfare of mankind and the advancement of the world. They find their mission in looking after the dumb animals who can not tell their sufferings, and in trying to make them better able to bear the burdens which man puts upon them.

I say, Mr. President, that it is not fair to relegate these men as farriers and put them in as noncommissioned servants. An American officer is a gentleman by his conduct and not by his designation. The skilled veterinarians of the Army are as much entitled to the rank of officers as West Point men are, if they are gentlemen and fill the duties they are called upon to perform. The officers of the Army do not object to associating with them. From General Sheridan's time to now there has been an earnest effort by every general who has ever fought with cavalry to have the veterinarians recognized as an official branch of the service. I am surprised to hear the Senator from Vermont say that he made a call on the War Department and found somebody in charge there opposed to it. For one, I should be glad to know who it is at the War Department who does not think a veterinarian ought to have the official rank and pay and be entitled to associate officially with other officers of the Army.

So I say all of us recognizing the usefulness of this profession, all of us recalling the fact that the officers of the Army do not object to the veterinarians having name and rank and place as officers of the Army, we can afford to give them the title and the rank, and it means no increase of appropriation.

Mr. PROCTOR. That the Senate may understand the present

provision I will read a line or two from the act of March 2, 1899, in regard to veterinarians:

Provided, That the veterinarian appointed to the first grade shall not be so appointed until he shall have passed an examination, to be prescribed by the Secretary of War, as to his physical, moral, and professional qualifications.

Now, in regard to this matter, I will say that a bill precisely like the amendment, as I understand it, came before the Military Affairs Committee, and came through the War Department. The Senator from Colorado [Mr. WOLCOTT] wishes to know what officials there oppose it.

Mr. WOLCOTT. Yes.

Mr. PROCTOR. It came through the War Department strongly indorsed, as I recall it (I will have the indorsements in a few minutes), and with the indorsement of the Secretary against the creation of this corps.

I will also say that it seems to me that this bill is not the proper place for this question to be tried. This bill only increases the field artillery, which is the only force that would require veterinarians, by what is the equivalent of a regiment and a half, and four veterinarians are appointed for that force, more than there would be for the same number of cavalry. When there is a general reorganization and increase of the cavalry, of course there will be a large increase; and it seems to me it would be more appropriate to be considered then.

I will say that all the officers at West Point are instructed very carefully in the care and treatment of diseases of the horse, of course.

Mr. SEWELL. Mr. President, there has been an effort for two or three years past, last year particularly, on the part of private gentlemen outside to create this corps. I have never known any measure brought before Congress that had so much manufactured support from outside to further it. It proposes to create a colonel, a major, 4 captains, 10 first lieutenants, 20 second lieutenants—36 additions to the veterinary corps of the Army, now consisting of 20. One is to have the rank, pay, and allowance of a second lieutenant and one that of sergeant-major. The Army has existed—

Mr. LODGE. Will the Senator from New Jersey allow me to ask him a question? How many men would these officers whom he has just enumerated have under their command?

Mr. SEWELL. There are ten regiments of cavalry.

Mr. LODGE. I mean how many men would be in the corps?

Mr. SEWELL. Thirty-six.

Mr. LODGE. They are all officers?

Mr. SEWELL. Yes; they are all officers.

Mr. HALE. Just as surgeons are all officers.

Mr. SEWELL. I want to say, from long experience in connection with cavalry, that the veterinarian of the cavalry is the captain of the troop. He is the man who knows the condition of his horses. He has been in the cavalry fifteen years—seven or eight years as second lieutenant, seven or eight as first lieutenant—before he becomes a captain. He knows more by reason of his study, and we have the most advanced books on that science; and as his life depends upon his horses and upon having them in good condition, there is no man more interested than the commanding officer of the troop. He is delegated often to buy his own horses by reason of his knowledge; some more, some less.

But he ought not to be interfered with by a lot of youngsters who come out from a college, where they have been taught to dissect, but whose knowledge is not of a particle of use to the troop. The old veterinarian, commencing with the farrier, has forgotten more than he would learn of the care of the horse, not in the dissecting of his foot in case it is broken, not in scraping his kidneys or his liver, something that is of no use, because you can not resurrect a horse after he has broken his leg. He has to go down.

Mr. President, this is just an attempt to legislate 36 officers, a new corps, into the Army, without the desire of the Army, without the sanction of the Secretary of War, without any indorsement except the gentlemen who want to fill the positions, very nice ones, to be sure, but without any necessity, in any sense. They tell us that the armies of Europe all have veterinarians. They have. They have a great many other things we do not want. It would pay the English Government to send over here and get forty of fifty or a hundred farriers to go down there and save their horses now from the veterinarians who graduated from their colleges. We have no use for this. As I say, it is the desire of some gentlemen to have commissions. That is all it is.

Mr. KENNEY. Mr. President, in reply to the discussion as to who favors it, or whether there is an indorsement of this amendment by the War Department, I desire to say that from General Miles down, including every head of a bureau in the War Department—I mean the Quartermaster-General, the Inspector-General, General Miles himself, and others whom I can not now call to mind—they have stood ready and willing to indorse to the Secretary of War, or to the Committee on Military Affairs of the Senate or the House, this proposed legislation if an opportunity had

been given to them so to indorse. But on no occasion has the Secretary of War or the Adjutant-General or the Assistant Secretary of War, or, as I understand it, the Committee on Military Affairs of the Senate, called upon General Miles or the Quartermaster-General or the Inspector-General or any of these officers to whom I refer to know whether or not they do or do not indorse this proposed legislation.

On the contrary, I have here introduced as a part of my remarks, letters from General Brooke and other Army officers, too lengthy to read, but which will be printed in the RECORD to-morrow, showing that they do, outside of the indorsement to the Secretary of War or the Committee on Military Affairs, heartily and fully indorse this scheme. That is true all the way down from General Sheridan's time, and had it not been for his untimely death I have not the slightest doubt but that to-day, and long ago, we would have had in the Army of the United States a properly organized and commissioned veterinary corps.

The distinguished Senator from New Jersey [Mr. SEWELL] speaks of the interference of these young men of the veterinary corps with the captain of the troop. That can not be so. He will be the commander of the troop, company, or battery, and these men will have the same relations with him that the surgeons in the Army have. There has been no contention that there is friction between the surgeons or assistant surgeons in the Army and the colonels commanding the regiments and the captains of companies or troops or batteries. Then why should there be more friction between these commissioned officers, if they should be made so, than in the case I have referred to in the Medical Department? There will be none.

I desire, in order to show just what great amount of money the United States has invested in Army animals, to read a table from the annual report of the Quartermaster-General of the United States Army in 1899, showing the purchase during the year from July 1, 1898, to June 1, 1899, which was practically after the close of the Spanish war:

	Number.	Total cost.	Average per head.
Cavalry horses	2,094	\$219,727.17	\$104.94
Artillery horses	775	96,374.04	124.35
Riding horses	176	22,730.00	129.15
Draft horses	15	2,498.50	166.43
Pack horses	71	3,595.09	50.63
Bell horses	1	50.00	50.00
Draft mules	3,834	416,131.50	108.54
Pack mules	301	28,294.00	94.00
Oxen	16	1,600.00	100.00
Total	7,283	790,908.21	

There remained on hand at the close of the fiscal year, June 30, 1899, 12,622 horses and 13,158 mules, valued at over \$3,500,000.

In addition to this enormous investment in animals for the cavalry, artillery, and transportation, the Army purchases large quantities of animal food, the quality of which requires inspection.

To show exactly the difference that there will be in the organization of a commissioned corps from that which we have to-day, in cost and number of officers, I desire to submit the following:

For the first year under this amendment, should it become a law, there would be 1 colonel, at \$3,500 a year; 20 second lieutenants, with salaries amounting to \$30,000; 14 quartermaster veterinarians, at salaries amounting to \$25,200; making \$58,700, as against the present system of \$51,000, or a difference after the first year, should the amendment be enacted into law, of \$7,700.

Now, if you will examine the amendment you will find that there will be a difference after the first year, by promotion from one to the other of the ranks, of more than a thousand dollars. The amendment after the first year would provide for a colonel and 4 captains, 10 first lieutenants, and 20 second lieutenants. That would be a corps consisting of 35, at a cost per annum to the Government of \$57,500. The present system after the first year would be 15 civilian quartermaster employees, at \$150 a month, or \$27,000 per annum; 10 senior veterinarians, at a cost of \$15,000 per annum; and 10 junior veterinarians, at a cost of \$9,000 per annum; making \$51,000 that the present system will cost the Government against \$57,500 after the first year under this organized and commissioned veterinarian corps, or a difference of \$6,500.

Now, can it be successfully contended that there can be, in a comparison of service to the Army, that one is equal to that of the other? It can not be so. It would be as right to contend that there is no need for a first and second lieutenant in the companies of infantry, the troops of cavalry, and batteries of artillery. They might be noncommissioned officers, if you please. There is no more sense in the one contention than in the other. The gentlemen who go into the Army of the United States and pass the examination required under the provision of this amendment are the sons of gentlemen throughout the country, men who are graduates of the greatest and best universities and colleges in the

United States, and they stand shoulder to shoulder as gentlemen and as educated men with any man who comes from West Point or from any other walk of life.

Mr. PROCTOR. Mr. President, in regard to the reference of this question, I will state that it is not customary for the Committee on Military Affairs to consult all the officers of the Department. There is a regular channel. Bills are referred to the Secretary, and he calls on such officers as have to deal with the subject for their reports. When this bill was before the committee it was referred in the usual course to the War Department, and I will read the indorsement of the Secretary:

WAR DEPARTMENT, March 26, 1900.

Respectfully returned to the Committee on Military Affairs, United States Senate, calling attention to the foregoing indorsement.

The foregoing indorsement was that of the Adjutant-General, of course, and was largely quotations from the law, showing that the veterinarians were increased in importance by the act of March 2, 1899. The Adjutant-General says:

The act of March 2, 1899, "For increasing the efficiency of the Army of the United States, and for other purposes," provides (section 2) for two veterinarians in each cavalry regiment, one with the pay and allowances of a second lieutenant of cavalry and one with pay at the rate of \$75 per month and the allowances of a sergeant-major, and provides "that the veterinarian appointed to the first grade shall not be so appointed until he shall have passed an examination, to be prescribed by the Secretary of War, as to his physical, moral, and professional qualifications;" and "Provided further, That the veterinarians now in service who do not pass such competitive examination shall be eligible to the position of the second class under such rules as are now prescribed by the regulations."

Upon full consideration of the subject at the time it was believed that this provision would provide for efficient veterinarian service for the cavalry regiments.

Now, the Secretary of War says:

The Army is urgently in need of more artillery, more staff officers, and more line officers than it now has, and of more soldiers than it will have after the 30th of June, 1901, unless the fighting force of the permanent establishment shall be largely increased by Congress. No bill of this kind ought to pass until these matters of real importance have been provided for. If there is to be any increase, as there should be, it ought to be in the directions indicated. No such rank as is provided for by this bill ought under any circumstances to be given to the veterinary corps. If the country is willing to pay for more colonels and majors and captains, the money should be expended upon the fighting force of the Army to furnish opportunity for promotion to the hundreds of gallant fellows who have been enduring hardship and facing death on the battlefield.

Nor do I consider that a separate veterinary corps is desirable. There are already too many separate organizations reporting to the Secretary of War.

That, I believe, everybody will admit is a truism.

One of the evils of our organization is that of multiple command; that in every geographical or technical organization there are so many officers who are not commanded by the commander, but report directly to Washington.

This provides that the chief veterinarian shall report directly to the Secretary of War.

The result is that it is very difficult to fix responsibility as to the condition of anything, and there is a weakened sense of responsibility everywhere. The Secretary of War ought not to be responsible for the condition of the horses of a cavalry regiment; the colonel of the regiment should be held responsible for them, and the duties of veterinarian should be performed by men who are under his orders reporting to him, and not by members of a corps reporting separately to the Secretary of War. The bill is distinctly a step in the wrong direction, and I hope it will not receive favorable consideration. Due provision is made for veterinary service in the bill referred to by the Adjutant-General in the first indorsement hereon, to which I beg to invite the attention of the committee.

ELIHU ROOT, Secretary of War.

Mr. LODGE. Mr. President, it seems to me that there is one very serious objection to this proposition. No one can deny the importance of veterinarians; no one can deny the importance of having well-educated men for those positions; but the objection to which I refer is the tendency to multiply civilian corps and then load them with rank. We have a civilian engineer in the Navy now with the rank of admiral, a man who never went to sea, whose duties are concerned in civil engineering in yards and docks, no doubt a most excellent officer. We have, if I am not mistaken, paymasters who carry so much rank that they can not go on a ship. There is a tendency to build up these civilian corps, to load them with rank, and then, of course, as has been pointed out in the letter of the Secretary of War, there is just so much less opportunity for the combatant force.

I think, Mr. President, it is a great mistake to go on with this multiplication of civilian corps with this high rank. Here is a whole corps of officers made, beginning with a colonel and coming down to some twenty second lieutenants. I do not think that we want to enter on the increase of the civilian corps attached to the Army and Navy. We ought to give the rank to the men who are in the fighting line, on the ships and on land, and not multiply it for all these various corps. If one comes in, that is a ground for another to come in. I do not believe we should get any better service by this method rather than by giving good veterinarians suitable pay and the recognition to which I freely admit their profession is entirely entitled. Give them a separate rating, if it is so desired, but do not put them in with a colonel at the head responsible only to the Secretary of War, making another conflict of authority in the organization of the Army.

Mr. GALLINGER. Mr. President, a single word. When the

proposition was presented to the Senate to create a Lieutenant-General for the Army, we were told that it was important to have it done because European nations had lieutenant-generals in their armies. When this proposition is presented to the Senate, we are told by a distinguished member of the Military Committee and a distinguished soldier that we do not want to imitate the methods of European countries and that we could send over some of our farriers to the Transvaal to teach the educated veterinarians of England important lessons in taking care of their horses.

Now, Mr. President, I do not apprehend that that is so. The fact is, as I understand it, that every army in continental Europe has a corps of veterinarians substantially the same as is proposed in this amendment, and it is clear to my mind that such would not be the fact if they did not find it to their advantage to have these educated men to care for their animals.

The Senator from Colorado [Mr. WOLCOTT] has covered this question so clearly and so ably that I do not wish to traverse that ground, but I will venture to add that to my mind it is exceedingly important that we should have educated men in our Army to care for the animals. It is a fact, as stated by the Senator from Colorado, that the veterinarians of this country to-day, those who are properly recognized as such, are men of equal culture and equal education to those of the medical profession or the legal profession or of any other profession that is recognized in the United States. They are men who have given a great deal of time to the study of medicine, medicine in its broadest sense, and to all the specialties that are recognized as being necessary to educate a man to understand the diseases of the human family, as well as those of the brute creation.

I know some of these men who are graduates of universities and who have given long years of study in this country and in Europe to qualify them for the performance of their duties as veterinarians. And yet we hear them spoken of, and it has been spoken in my presence to-day in a whisper by more than one Senator, that we propose to give rank and commissions to horse doctors. Well, Mr. President, they are horse doctors, I suppose, in the ordinary acceptance of the term, but they are more than that. They are educated men who have an ambition to distinguish themselves in their chosen profession, and that profession is just as honorable as any other.

Mr. SPOONER. They are horse doctors in the same sense that other doctors are man doctors.

Mr. GALLINGER. Precisely; and they have educated themselves just as thoroughly to discharge their duty as the man doctor has educated himself to discharge his duty.

Now, Mr. President, it seems to me that no valid objection has been raised against this amendment. The Secretary of War, it is true, seems to have reported against it; but I take it that the Secretary of War knows less about this subject than General Sheridan, or General Miles, or the Quartermaster-General, or men who have been educated in military science know about it. Hence I certainly can not lay as great stress upon his opinion as I lay upon the opinions of those great officers who were thoroughly acquainted with the needs of the Army and who speak from actual observation and experience.

I will esteem it, Mr. President, a privilege to vote for this amendment, and I trust that it shall be adopted.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 2355) in relation to the suppression of insurrection in and to the government of the Philippine Islands, ceded by Spain to the United States by the treaty concluded at Paris on the 10th day of December, 1898.

Mr. LODGE. I ask that that may be temporarily laid aside.

The PRESIDENT pro tempore. The Senator from Massachusetts asks that the unfinished business be temporarily laid aside. Without objection it is so ordered.

Mr. FORAKER. Mr. President, I do not rise for the purpose of discussing the merit of veterinarian surgeons. I think that has been well set forth by those who have spoken in behalf of this amendment. I should like to vote for the amendment if it could be amended so as to avoid creating a separate corps and taking the veterinarian surgeons out from under the authority and direction of the regimental and other Army commanders and be so limited as simply to give to them rank. I rise for the purpose of suggesting that to the Senator who has offered this amendment.

I think the men who are to perform this service ought to be recognized as entitled to rank as well as pay. It is proposed by this legislation, as it has already been provided by the legislation that this refers to, to give them the pay and the allowances, and I see no reason why we should not give them the rank as well.

Mr. KENNEY. I will suggest, in reply to what the distinguished Senator from Ohio has said, that I will accept an amendment, so that my amendment would read like this:

There shall be in the Army the following:

And by striking out in lines 13 and 14:

And the chief veterinarian shall report directly to that officer.

So as to read:

All rules and regulations governing the veterinary corps shall be made by the Secretary of War.

Therefore it would place it entirely in the hands of the Secretary of War to direct how the force should be used and through what channels it should report.

Mr. SPOONER. If the Senator will allow me, what provision will he make for rank?

Mr. KENNEY. I leave the rank just as it is, but I am willing to strike out the words "That the veterinary corps shall consist of" and substitute in lieu thereof "There shall be attached to the Army a chief veterinarian with the rank, pay, etc.," and then provide for all as my amendment did originally.

Mr. SPOONER. What is the rank?

Mr. KENNEY. First, a colonel, 2 captains, 20 first lieutenants, and 10 second lieutenants.

Mr. SPOONER. That makes a corps. I understood that it was the suggestion of the Senator from Ohio to give these veterinarians now in the service an appropriate rank.

Mr. KENNEY. They are provided for, you will find.

Mr. SPOONER. Some of us are willing to vote for a proposition like that who are not willing to vote for a colonel, a lieutenant-colonel, a major, and so on.

Mr. TILLMAN. I ask the Senator from Delaware what use have we for a colonel? If these officers are to be subordinates to the captain or colonel of the cavalry or artillery regiments where they have horses, merely an appendage, so to speak, like any other subordinate officer, what use have we for a colonel anywhere in this business, or any other officer other than the veterinarian, who shall rank along with the lieutenant or captain, if we choose, and perform a specific duty? I can see the necessity for some rank, because otherwise the privates will not pay the same respect to orders and will not care for their horses under instructions unless the veterinarian appeals to the officer in command; but I really do not see any use of a corps here, and I do not see any use for any higher officer than lieutenant or possibly captain.

Mr. FORAKER. The remarks of the Senator from South Carolina meet the suggestion I made exactly. It is my chief objection to this amendment that it provides a corps and takes a veterinary surgeon who belongs to the regiment out from under the command and authority of the colonel and other officers of that regiment.

Mr. TILLMAN. It puts somebody supposed to be very skilled in veterinary surgery at the head of a bureau here in Washington to sit down here with a salary and do nothing, and to that I object. I will vote for some rank for these officers and a reasonable number of them, but I do not see any sense in forming a bureau of veterinary surgery here in the War Department.

Mr. WOLCOTT. I suggest that we vote on the amendment as it stands.

Mr. KENNEY. Very well.

The PRESIDENT pro tempore. The Senator from Delaware demanded on this amendment the yeas and nays. Is there a second?

The yeas and nays were ordered.

Mr. TILLMAN. What is the shape in which the proposition is now to be voted on?

Mr. KENNEY. As originally offered.

Mr. TILLMAN. Just as it was originally offered?

The PRESIDENT pro tempore. The question is on the original amendment without modification. The Secretary will call the roll on agreeing to the amendment of the Senator from Delaware.

The Secretary proceeded to call the roll.

Mr. BURROWS (when his name was called). I am paired with the senior Senator from Louisiana [Mr. CAFFERY].

Mr. CULBERSON (when Mr. CHILTON's name was called). My colleague [Mr. CHILTON] is unavoidably absent on account of illness.

Mr. HANSBROUGH (when his name was called). I again announce my pair with the senior Senator from Virginia [Mr. DANIEL], and I will take the liberty of transferring that pair to the senior Senator from Rhode Island [Mr. ALDRICH] and will vote. I vote "yea."

Mr. LINDSAY (when his name was called). I have a general pair with the senior Senator from Michigan [Mr. McMILLAN], and withhold my vote.

Mr. PRITCHARD (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. McLAURIN]. I therefore withhold my vote.

Mr. PROCTOR (when his name was called). With the consent of the Senator from Utah [Mr. RAWLINS], I will make the same transfer of pairs I did before and vote. I vote "nay."

Mr. SPOONER (when his name was called). Does the Senator from Tennessee [Mr. BATE] know how his colleague [Mr. TURLEY] would vote?

Mr. BATE. I do not. He would not object, I am sure, to the Senator's voting on this question.

Mr. SPOONER. Then I will vote. I vote "nay."

Mr. TALIAFERRO (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. SCOTT].

Mr. TILLMAN (when his name was called). I have a general pair with the Senator from Nebraska [Mr. THURSTON]. He is absent, and I withhold my vote. If I were at liberty to vote, I should vote "nay."

The roll call was concluded.

Mr. BACON (after having voted in the affirmative). I have a general pair with the junior Senator from Rhode Island [Mr. WETMORE]. This is a question so purely nonpolitical that I will allow my vote to stand, as I am authorized to do under our agreement.

Mr. TALIAFERRO. I transfer my pair to the senior Senator from Texas [Mr. CHILTON] and vote. I vote "yea."

Mr. BUTLER. I am paired with the Senator from Maryland [Mr. WELLINGTON], and I therefore withhold my vote.

The result was announced—yeas 25, nays 23; as follows:

YEAS—25.

Allison,	Frye,	McCumber,	Taliaferro,
Bacon,	Gallinger,	McEnery,	Teller,
Baker,	Gear,	Morgan,	Turner,
Chandler,	Hale,	Nelson,	Wolcott.
Clay,	Hansbrough,	Perkins,	
Culberson,	Kenney,	Quarles,	
Foster,	McComas,	Stewart,	

NAYS—23.

Bard,	Foraker,	Pettus,	Shoup,
Bate,	Hawley,	Platt, Conn.	Spooner,
Cockrell,	Kean,	Proctor,	Sullivan,
Deboe,	Kyle,	Rawlins,	Vest,
Depew,	Lodge,	Ross,	Warren.
Fairbanks,	Pettigrew,	Sewell,	

NOT VOTING—39.

Aldrich,	Clark, Wyo.	Jones, Nev.	Platt, N. Y.
Allen,	Cullom,	Lindsay,	Pritchard,
Berry,	Daniel,	McBride,	Scott,
Beveridge,	Davis,	McLaurin,	Simon,
Burrows,	Elkins,	McMillan,	Thurston,
Butler,	Hanna,	Mallory,	Tillman,
Caffery,	Harris,	Martin,	Turley,
Carter,	Heitfeld,	Mason,	Wellington,
Chilton,	Hoar,	Money,	Wetmore.
Clark, Mont.	Jones, Ark.	Penrose,	

So Mr. KENNEY's amendment was agreed to.

Mr. SEWELL. I now desire to perfect the amendment in section 14, line 21, by inserting after the word "the" the word "rank;" so as to read "the rank and allowances of a captain mounted."

The PRESIDENT pro tempore. The Chair is informed that that amendment has been agreed to.

Mr. SEWELL. I wish to go on and perfect it further, so as to make it read a chaplain mounted for each cavalry regiment.

The PRESIDENT pro tempore. The Secretary will read for the information of the Senate the amendment which has already been adopted.

The SECRETARY. On page 7 section 14 has been amended to read:

That the President is hereby authorized to appoint for each regiment in the United States service one chaplain with the rank, pay, and allowances of a captain of infantry without command: *Provided*, That the office of post chaplain, etc.

Mr. SEWELL. I wish to amend that, and the Senator in charge of the bill is perfectly willing. I wish to arrive at this idea, that the chaplains of cavalry shall be mounted and the chaplains of infantry shall be dismounted. I wanted to leave the word "mounted" in.

Mr. COCKRELL. I should like to know how that amendment is.

The SECRETARY. It is proposed to withdraw the amendment to the bill that was made, striking out the word "mounted" and inserting "of infantry without command," and after "mounted" to insert a comma and the following:

Captain mounted for each cavalry regiment, and one chaplain with the rank, pay, and allowances of a captain of infantry for each regiment of infantry.

Mr. PROCTOR. I do not object to the amendment.

The PRESIDENT pro tempore. If there be no objection, the amendment is agreed to.

Mr. FORAKER. I ask the Senator who has offered that amendment whether the proviso as it was amended this morning is in the form he would like to have it stand? I do not remember just what the language is that was employed to amend.

Mr. SEWELL. The proviso was not amended at all. The amendment comes in before the proviso.

Mr. FORAKER. I know the amendment just now adopted comes in before the proviso, but was not the proviso amended this morning?

Mr. SEWELL. No.

Mr. FORAKER. Should it not be amended? I understood that it was so amended. What is the rank a post chaplain now has?

Mr. SEWELL. The position of post chaplain by the proviso is abolished altogether.

Mr. FORAKER. I know it is abolished; but if he is ordered to report to a regiment, what rank will he have? He already has a rank, I suppose?

Mr. COCKRELL. He has the rank of captain now.

Mr. SEWELL. The chaplains all have the rank of captain. If a chaplain is ordered to report to a cavalry regiment, he will be allowed a mount, and if he is ordered to report to an infantry regiment he will not be.

Mr. FORAKER. That is to say, the rank of post chaplain is captain, and according to where he is ordered, whether to a cavalry or an infantry regiment, he will have certain allowances?

Mr. SEWELL. Yes.

The bill was reported to the Senate as amended.

Mr. BATE. Is the bill now upon its passage, Mr. President?

The PRESIDENT pro tempore. The bill is passing from the Committee of the Whole into the Senate.

Mr. BATE. I desire to say a word, Mr. President.

There are some things in this bill of which I approve very highly—we had them before us in the Committee on Military Affairs—and there are some to which I object. I do not approve of the proposition to increase the Regular Army, as is proposed in this bill, by enlisting 5,000 men. It is not the Volunteer Army but the Regular Army which is increased by this bill by 5,000.

Neither is the number to be reduced when the volunteers retire in 1901, but it is a permanent increase of 5,000. I do not think there is any necessity for it, for the simple reason that we have now a very large army. If certain duties requiring experience and skill have to be performed, it would be very easy to take from one arm of the service certain select men and place a sufficient number of them in another arm of service without permanently increasing the Army.

We have already in the service about 98,000 troops. There are 68,000 in the Philippines; there are 3,300 in Porto Rico; 250 at Honolulu, Hawaii; 9,595 in Cuba; and there are 21,000 at home in the United States, scattered from post to pillar, making about 97,000 or 98,000 troops already in the military service of the country. I think this proposition to increase the Army by 5,000 for the purpose, as is alleged, of manning the coast defenses, is not necessary and ought not to be approved by the Senate.

There are to be 18 batteries of field artillery under this bill. We have now 12 batteries; so that there is an increase of 6. At the outbreak of the Spanish war we had but 5 batteries; and we had 10 regiments of cavalry and 25 regiments of infantry. This bill adds to the artillery and increases it about 17,500 in the artillery service alone.

There has always been an observance in the organization of our Army—as is the case in every well-organized army—of a certain strength or relative proportion of infantry, cavalry, and artillery. Our proportion heretofore has been of infantry to artillery about 4 to 1 or more, and with the cavalry about 2 to 1 or more. If you go on that ratio, when the time of the troops is out, in 1901, it will be necessary to continue them in the service or to recruit more men for the purpose of increasing the infantry and cavalry force to correspond with the artillery service. If that is so, it will require a Regular Army of more than 100,000 men—about 127,000 on the calculation I have made upon the same ratio we had when the Spanish war broke out.

I think, Mr. President, that there is no necessity for increasing the number of regular troops by 5,000. I believe that these coast fortifications should be properly manned. But we have all this force of nearly 100,000 to draw from, and we can select such men as are known to be suitable from this coast-defense service and can put them into that service. It seems to me that it would be better to do so than that we should order the enlistment of raw recruits for that particular service all around the country.

Therefore I think it will inure to the advantage of that particular service not to do what is here proposed, but to select the necessary men from the vast number of troops we now have in the service of the Government in different places, comparatively idle, and put them in this particular service. There are 21,000 enlisted men now located in various places here at home. Why can we not select from that number 5,000 and utilize them in this particular way?

Mr. President, two years ago, just before the outbreak of the late Spanish war, there was a call for two regiments of artillery from the Commander of the Army, indorsed by the Secretary of War. There was a disposition on the part of certain officials then to increase the Army, and it obtained to a limited extent outside of official circles, but was not agreeable to taxpayers and therefore made but little headway. They first called for one regiment of artillery and then for two, and urged the passage of the bill in this Senate on the grounds that they were needed to man the batteries on the coast defenses.

Finally on that plea they got the two regiments, and have them now. Where are they? Scattered from the Philippines to Cuba. Yet they were raised for the particular purpose which it is alleged in this bill that these 5,000 now asked for are to be raised. This

mode of increasing the Army by calling for troops to care for and work the guns in our coast defenses is not a new mode. Let those of us opposed to increasing the Army be on the lookout.

That being so, Mr. President, and there being such an aversion in this country among those we represent, especially among the taxpaying portion of our people, to the increase of the Regular Army, we ought to be cautious how we deal with this question.

An increase of the Regular Army by 5,000 men two years ago would have astonished the people, but now it comes along easily and gracefully and hardly excites attention. It is made on the plea that these men are to be used for the special purpose of putting them in artillery stations for coast defense as artillerymen. It may be all right, Mr. President. It may so turn out, but I fear not.

I believe the guns to be used on our fortifications ought to be manned by men who are experts and who have been educated in that duty; but I think they can be found among the men in the Army as it now exists, for 21,000 of them are now in the United States practically doing nothing, and 5,000 can be selected from that number if they are needed and put in these places better than we can obtain them by enlisting recruits, ignorant of Army duties, at various recruiting stations.

There seems to be a growing tendency to increase the Army. I am opposed to that. I hope the day will come when we will get back to the old standard of the Army, 27,000 men, or 25,000, as it was just before the raising of the two additional artillery regiments. I hope to see that day come; but this bill puts it beyond our power, for it calls for an increase of 5,000 men in the regular service over what we had then.

This is a step in that direction. It is a kind of vanguard, as it seems to me, to a vast standing army in time of peace. I oppose it for that reason if for no other. It is an adroit flank movement to circumvent that mountain of opposition in the hearts of a liberty-loving people to a large standing army. It is being done under the special plea that these men are intended for a particular service and much needed for it. It can not be denied that it will increase the Regular Army in number 5,000.

Another thing I object to in this bill is the provision in relation to the appointment of cadets. Where is the necessity for the increase of more than 100 cadets to be appointed? Under this bill each State will be entitled to 2 cadets and the President to 30, which means that each Senator is to have the appointment of 1. That will make 90 cadets, and the President has 30 appointments, which is 10 in addition to what he now has. This is very much larger than the number now allowed.

The purpose is presented here in a graceful and insinuating manner, but is nevertheless increasing the influence of the military power in this Republic. Apprehending that, I propose to check every step in that direction if I can with propriety as a Senator, and when I do that I believe I am representing the almost unanimous wishes of my people and serving the best interest of my country.

If we have this increase of cadets, then we must have somebody for them to command. These things go step by step, by slow degrees, until at last the object which is so objectionable in the popular mind is attained, as I have said, by an adroit flank movement.

For these reasons, Mr. President, I desire to dissent from these provisions in this bill. I am not disposed to call the yeas and nays, for it would, no doubt, be useless, but I desired to give my opinion in regard to this increasing of the Regular Army, and put myself on record in opposition to it.

Mr. COCKRELL. Mr. President, I think this increase of the artillery is absolutely necessary. I believe my distinguished friend from Tennessee [Mr. BATE] is entirely mistaken in thinking that a detail of men from the artillery and the cavalry would accomplish this purpose. I am in favor directly of this increase of the artillery branch of the service; but I am not in favor of any increase of the infantry or cavalry. This is not a step in that direction; and if my friend will look at it in its broader sense he will see that it is a step in the other direction.

There is no necessity for an increase of the infantry or cavalry to correspond with this proposed increase of the artillery, because this is for fortifications; and when you come to counting relatively the strength of artillery and infantry and cavalry, it is the forces in the field which are counted, and the fortifications are never considered.

Mr. President, we have, according to my recollection, undertaken a system of fortifications around our coast to cost, at the time the calculation was made, \$125,000,000. That system has been in operation until over \$50,000,000 have been expended in the erection of fortifications to strengthen the seaports of the United States. We have gone at an enormous expense to the manufacture of the most improved system of fortification artillery, of siege guns. We have constructed the most complicated machinery for the handling of those guns. They are to be handled by machinery, and not by hand, as the field guns are handled. The ammunition is also to be handled by machinery, and the men who must man

those fortifications and use those guns must have a degree of experience far beyond that which is required in the infantry or the cavalry. They must have had some experience.

We have erected those fortifications around our coast. We have gone to the expense of manufacturing the guns, the carriages, and the machinery for handling them and placing them in the positions where they now are. Shall we leave them there to rust and decay, or shall we care for them? That is the question that is presented to the Senate to-day. We have only made the increase which is necessary for the performance of this one class of duties. If we were to have war we would have immediately to increase the artillery for the fortifications. We have given the least number that can man and care for the guns and keep them and the fortifications in proper condition. Are we to refuse that? Is that a step in the direction of creating a large standing army? On the contrary, it is a protection against it, for when we have our entire seacoast line fortified no enemy can enter it.

Why, then, does the Senator fear an increase of the cavalry and infantry because we have made this increase to protect from the possibility of the approach of a foreign enemy upon any of our seacoasts? No, Mr. President, I think it is right; I think it is proper that we should give this increase of the artillery; and therefore I am heartily in favor of that provision of this bill.

I am also in favor of the provision in regard to the interchangeability of the staff. I am not in favor of the provision of the bill which gives to each Senator the right to appoint a cadet at the Military Academy. I do not myself think that is necessary. If the Senator from Tennessee will direct his attention to that, and move to strike that provision out, I shall heartily join him in it; but I shall vote for the bill even with that provision in it, though I hope it will be stricken out.

Mr. HAWLEY. Mr. President, I sincerely hope that this amendment will not prevail. We have embarked upon a costly system of coast fortifications.

Mr. BATE. I will say to the Senator that I have not moved an amendment.

The PRESIDENT pro tempore. There is no amendment pending.

Mr. HAWLEY. I thought an amendment had been proposed.

Mr. BATE. No, sir; I have not offered an amendment.

Mr. HAWLEY. Mr. President, we have embarked upon a costly system of coast defenses under the advice of the most skillful men to be found in the service. We have already fully mounted 491 splendid pieces; and they are at fifty-eight different localities in twenty-five different harbors on the Atlantic, Gulf, and Pacific seaboard, and represent only the armament actually in place on April 1, 1900. When all the work now in hand, and for which appropriations have been made, shall have been completed, there will be mounted 949 pieces of artillery, running from Maine all around our coast.

It is impossible for us to take care of the guns we already have with the artillerists we have. There are not troops enough—men to afford a relief for each gun. To leave these defenses without these additional forces will make it impossible for us to guard those costly guns, with the elaborate and complicated machinery by which they are worked, against the sand and the salt spray. They are required to be handled very frequently, to be wiped and sponged and oiled, and the machinery worked to see if it be in order.

We have gone too far to object to adding to what we now have. Not a very great sum is required nor a very great number of men. I think 5,500 or 6,000 additional men will answer our present purposes. It will not be enough to complete our scheme. It seems to me it is impossible for us to refuse this little addition.

Mr. PETTUS. In section 17, on page 8, line 24, after the word "Columbia," I move to strike out "two from each State at large;" and also to strike out from the same section, on page 9, line 4, the words "or of the States."

The PRESIDENT pro tempore. The amendment proposed by the Senator from Alabama will be stated.

The SECRETARY. On page 8, line 24, section 17, after the word "Columbia," it is proposed to strike out "two from each State at large;" and on page 9, line 4, after the word "Columbia," to strike out "or of the States."

Mr. HOAR. I suggest that each amendment be stated by itself and acted upon by itself. The Senator has proposed two amendments instead of one.

Mr. PETTUS. It is only one amendment in fact.

Mr. HOAR. But they are two amendments in the parliamentary sense.

Mr. PETTUS. The second amendment is intended merely to strike out words which will have no meaning after the first shall have been stricken out.

Mr. HOAR. The reason for my making the suggestion is that I want to move an amendment before the Senator's amendment is put to the clause proposed to be stricken out, which would take precedence.

The PRESIDENT pro tempore. The Senator from Alabama proposes an amendment, which will be stated.

The SECRETARY. In section 17, on page 8, line 24, after the word "Columbia," it is proposed to strike out "two from each State at large."

Mr. HOAR. Before that question is put, I move to amend that clause by inserting, after the words "at large," the words "to be appointed on the recommendation of the governor of said State."

Mr. COCKRELL. From what States will they be appointed?

Mr. HOAR. Two from each State at large. I move to amend that clause by providing that they shall be appointed on the recommendation of the governor of said State. This makes a similar provision to that which exists at the Naval Academy in regard to the appointments by members of the House of Representatives, who make the recommendations.

Mr. President, I may say in support of this proposition, that unless my amendment be adopted the two cadets appointed from each State at large would be recommended by the Senators, as the practice has grown up, though I believe there is no sanction of absolute law for it, at the Military Academy, where appointments are always made on the recommendation of members of the House of Representatives if the persons recommended be found suitable. I suppose the Government would naturally, almost as a matter of course, in dealing with these two cadets at large invite the recommendation of Senators. I do not believe that that would be a good arrangement. I do not believe that it would be, on the whole, agreeable to Senators to undertake to make such selections. I think it a very good thing indeed, if this number of cadets shall be increased, to have the executives of the various States take the responsibility of the appointments.

Mr. TILLMAN. Will the Senator allow me to suggest a better way than that?

Mr. HOAR. Certainly.

Mr. TILLMAN. We have now in each State of the Union a land-grant college, where military tactics are taught under the requirements of the act creating them, and where, when the supply of officers will permit, a graduate of West Point, a Regular Army officer, is detailed to teach military tactics. Instead of putting these appointments as a part of the patronage of an executive, should we not make provision here for the appointment of those cadets from military schools, these land-grant colleges, whose pupils are under military discipline and tutelage, and have shown aptitude and love for military work? It would be a great spur to those cadets; it would remove the odor of politics from the appointments, and would leave it to the best talent in those schools to win this prize of a cadetship at West Point, simply by reason of their superior skill and ability.

Mr. HOAR. I think the governor of a State would naturally consider very strongly the capacity and training of such pupils.

Mr. FORAKER. Will the Senator allow me to ask him a question?

Mr. HOAR. I will, if the Senator will allow me to answer the Senator from South Carolina in the first instance.

Mr. FORAKER. Certainly.

Mr. HOAR. On the other hand, it does not seem to me that we ought to incorporate into legislation a preference for some particular school, which is not at all—

Mr. TILLMAN. Except that it would be supposed naturally that a school where an Army officer was detailed to instruct the pupils must be the best military school in that State.

Mr. HOAR. But that would not be a school under any Government authority or control. It seems to me it would be hardly wise to undertake to distinguish between private institutions, which have no relation to the Government, except so far as they have been beneficiaries of the Government, and other institutions. For instance, there was in the State of Vermont—I do not know about the present condition; but the Senator from Vermont [Mr. PROCTOR] will know—a very distinguished military academy, known as the Norwich Military Academy.

Mr. PROCTOR. It is there now.

Mr. HOAR. There is also an admirable military school in my own city of Worcester. I would hardly be prepared to consent that the agricultural college in Massachusetts, though it is a college for which I have the profoundest respect, should have absolute precedence as of right over the military academy at Worcester. There are some especially able young men educated at the latter institution who would be disqualified from receiving this appointment; and so as to the military school at Norwich. The military school at Norwich has educated a large number of young men who have entered the military service.

Mr. PROCTOR. It has furnished over 500 commissioned officers for the Army and the Navy.

Mr. HOAR. The Senator says over 500 officers of the Army and Navy have come from that school, and it has educated some of our most accomplished soldiers. One gentleman, Prof. Alden Partridge, who has served as an instructor there, was one of the best instructors in the world, I suppose.

Mr. PROCTOR. He was formerly a professor at West Point.
Mr. HOAR. Yes; but the suggestion of the Senator from South Carolina [Mr. TILLMAN] seems to me not a proper one. It does not seem to me that it is a thing which ought to be put into inflexible law.

Mr. TILLMAN. Well, would it not meet the Senator's objection if some provision were inserted which would require the governor to appoint after a competitive examination, instead of making it a football for politics, and giving the governor the power to select the cadet among the class of his bosom friends or his party friends?

Mr. HALE. That is all done away with now.

Mr. HOAR. Well, Mr. President, without any provision of law for competitive examinations, that has substantially become the universal rule in the country. I do not believe, if we are going to provide for competitive examinations, there ought to be a general provision as to all appointments.

Mr. TILLMAN. So far as I know, all the cadets who are appointed from our State to either the Military Academy or to the Naval Academy are chosen after competitive examination.

Mr. HOAR. No governor would disregard that principle and appoint his personal friends; and no governor could sustain himself in public opinion who did disregard it. I think if this recommendation should be made by the executive, it should be made under a law applicable to all such cases.

The PRESIDENT pro tempore. The Senator from Massachusetts [Mr. HOAR] offers an amendment which will be stated.

The SECRETARY. On page 8, at the end of line 24, after the words "at large," it is proposed to insert "to be appointed on the recommendation of the governor of said State."

Mr. PETTUS. Mr. President, this is a change from the custom which has prevailed for so many years, and I do not think it is wise to enter upon it. Ever since that Academy was established the President has appointed the cadets. He has appointed them, it is true, on the recommendations of the Representatives from the Congressional districts. That has been a custom that has grown up. There is no law requiring it, but the President has submitted to it so long that I suppose it could now be considered as common law. But here is an innovation proposed by the Senator from Massachusetts [Mr. HOAR], whereby it is proposed to go to a State to get a recommendation for a United States officer. That is an innovation that I do not think it best we should adopt. The President is the head of the Army.

Mr. HOAR. May I suggest to the Senator that under the provisions of the Constitution the executive of the State appoints in some cases, and he even appoints Senators themselves?

Mr. PETTUS. I did not hear the Senator.

Mr. HOAR. I will not delay the Senator by repeating it.

Mr. PETTUS. I am opposed to the innovation, Mr. President, because we have never tried it. We have tried the other plan. I want this number reduced; that is, I want that part stricken out which contemplates that Senators shall appoint. It is evidently put in here with the idea that Senators should nominate the cadets.

You will notice, Mr. President, that this bill increases the number of cadets outside of the 90 to each class. The amendment I propose strikes out 90 per class, but in addition to that the President is authorized to appoint 30. What was the number before?

Mr. PROCTOR. I will say to the Senator that it is an increase of 10.

Mr. PETTUS. That is in itself an increase of 10, and all together it is an increase of a hundred to a class. It seems to me that is going entirely too fast. I am perfectly willing that the increase which is given to the President shall remain, but this step of 90 to a class is rather too far, Mr. President. It is an extravagant allowance, and I am inclined to think, if you are going to have the 90, you had better then say the President shall have the authority to appoint or name them. I desire a separate vote on the amendment.

Mr. TILLMAN. Unless the growth of the Army will furnish commissions for the graduates of West Point and the classes now in existence or the present number of cadets will not furnish enough properly qualified material to receive their commissions, there is no excuse for increasing the number at all.

Mr. PROCTOR. Will the Senator allow me for a moment?

Mr. TILLMAN. With pleasure.

Mr. PROCTOR. There have been in the last two years 369 lieutenants appointed from civil life.

Mr. HALE. That was in time of war.

Mr. TILLMAN. I understand, but that is not the normal condition.

Mr. PROCTOR. At the present time in the infantry there are very few second lieutenants who are graduates of the Academy. Many of the infantry regiments are without a single second lieutenant graduated from the Academy. In previous times there never has been any surplus. In fact, ten years ago there were many appointments from civil life. I know that at the time I was in office at one time something over 25 appointments from

civil life were made. That is aside from promotions from the ranks, which are provided for.

This provides for an increase of artillery. There is no prospect at all but that all the graduates of West Point will be required, and more, too, in years to come.

Mr. TILLMAN. To pursue the thought I was entering upon, I say unless the present classes will not furnish the material which will be required for officers, there is no excuse for the increase.

Mr. PROCTOR. They certainly will not.

Mr. TILLMAN. Very well. That depends upon whether the Army shall remain at approximately its present strength. Now, we are confronted with this condition: We have a vast number of men who are in the Army temporarily, we hope, and they are serving their apprenticeship to the service of war. They will like it so well, especially being in Uncle Sam's service and getting better pay than they can get in civil life, that there is going to be terrible pressure for any vacancies whenever the Army is disbanded. I refer to the present excessive force over the regular establishment. Whenever there is a reduction by disbandment or mustering out of the excessive number now on hand, we are going to have the worst half hour or week or two of our lives in this Chamber and in the other to get the few score of places, or the two or three hundred places, that may be then vacant, from the men who have won their spurs, so to speak.

I confess it appears probable upon the face of the case, with the new line of policy we are already upon, that the Army will remain at its present size, and after making provision for the additional number of officers necessary out of the men in the Army now, who, as I said, are serving their apprenticeship and learning how to be soldiers in that field which is the most efficacious in creating officers, I do not see why we should rush into a project which will increase the corps of cadets at West Point. The only excuse for it is that the increase in population in the past has always called for a reapportionment of the House of Representatives, and it has gone on increasing with the country itself in the last seventy-five years. Thus there has been given a natural growth to the corps of cadets by reason of the additional number of Representatives in the other House.

But we are face to face with the fact that that Chamber is about full, and it is hardly probable that there will be any reapportionment after the next census which will increase the number of Representatives. If so, it can be to a very limited extent. Therefore there must be some increase in the material out of which to make officers if the Army is to be increased or to remain at its present figures.

Mr. FORAKER. Will the Senator allow me to make a remark?

Mr. TILLMAN. With pleasure.

Mr. FORAKER. There must be some misapprehension, either on the part of other Senators or on the part of myself. It has been stated by Senators that this provision provides for an increase of a hundred cadets for each class. I would inquire of the Senator in charge of the bill if that is true? My understanding is that it means simply an increase of a hundred. I think that is correct.

Mr. TILLMAN. In the entire corps.

Mr. FORAKER. For the four years, which would be an increase of 25 for each year and each class.

Mr. PROCTOR. The Senator from Ohio is correct. It is practically an increase of 25 annually.

Mr. FORAKER. That, it seems to me, is a very slight increase under all the circumstances.

Mr. BATE. Wherever there is a resignation or they get out of the service in any way and a vacancy occurs, he has the right to appoint again to keep it up to that number.

Mr. FORAKER. That is true as to the present provision.

Mr. TILLMAN. Looking to the fact that there has been a natural increase in the corps hitherto, which has been brought about by the reapportionment every ten years, and the increase in the number of Representatives, and feeling that it is about to cease and that the growth of the number of cadets through that source will no longer take place, I am inclined to vote for the amendment of the Senator from Massachusetts, that these additional men may be appointed by the governors, taking it for granted that it will be through competitive examination.

Mr. TELLER. Mr. President, the Senator from Alabama says we might as well let the President appoint. The President does appoint these cadets. I do not know how the custom grew up that they were to be nominated by the Representatives in Congress. I do not think there is anything in the statute authorizing it.

Mr. COCKRELL. There is nothing in the statute.

Mr. TELLER. The custom grew up.

Mr. BATE. It is a courtesy.

Mr. TELLER. The custom has grown up to have competitive examinations. In Colorado I know it has been the custom ever since the admission of the State. The Representative who is entitled to name a cadet gives notice that at a certain time and a

certain place certain gentlemen will examine the applicants, and they go there and pass the examination, and then one is suggested, I suppose, to the President. Then he goes to West Point, and the examination is made there; and if he passes, he becomes a cadet.

As stated, this is only 25 a year; that the young men are appointed to a class, and it takes four years for the class to graduate. We have had more graduates from West Point for a good many years than could be utilized. We provided several years ago that after being graduated they should receive certain marks of favor and wait then until there was opportunity to utilize them. That is the fact. If it shall be found that there are more than we need—and there will not be enough, in my opinion, under this bill—all we have to do is to let them step aside and wait until there is a vacancy.

The country will not suffer by the education of a few more young men at the National Academy at West Point. They will get an education there that will fit them for certain classes of business thoroughly and excellently, and it seems to me there can be no objection to the number. It may be that we will not increase the Army; I hope we will not above what we are increasing it in this measure, which I heartily approve, because I know we can not make artillerymen of raw recruits. You can make soldiers of citizens in ninety days if you have an officer who understands his business. We have demonstrated that fact in this war.

So far as I am concerned, I hope the Army will be maintained practically where it is. I believe it is wise for us to increase the number of cadets at West Point, so that in case of war and we call the citizen soldiery into the field, we shall have trained men to take charge of them. Whatever you may say about training soldiers, everybody knows you can not train an officer as readily as you can a soldier to fight. The training at West Point is invaluable. I do not mean that there have not been just as good volunteer officers as those from West Point, but as a general rule I think, as to the men from private life who had never been at West Point and who went into the Army and won distinction, the service would have been benefited if they had had military education at West Point. I think there is a lack in this bill of a sufficient number.

We do not need necessarily to increase the Army to occupy these young men. If there are more of them than we need, they will find places in the ordinary pursuits of life. There are thousands of corporations and thousands of industrial enterprises that are glad to take young men fresh from a school where they are educated upon every question which they are to meet in an active life and are taught it in a very excellent manner.

Mr. BATE. Mr. President, it does not necessarily increase the Army to increase the number of cadets, but it is an inducement to do so, and I object to it on that account. Now, to have an excess of officers with no commands and nothing to do would be embarrassing to both the officers and the Government. That was the case with us before the war broke out. We had extra officers; one or two skeleton regiments.

Now, if you have this surplus, this increased number, and the war being over in June, 1901, the army disbanded, what are you going to do, then, with extra officers? You will have an excess. What is to become of them? They will be idle and drawing pay all the while. You can not dispose of them, because they have been educated by and belong to the country. They will have to be supported. I do not want to see this excess grow up in that manner; but if it has to grow, there is another mode, which has not been spoken of yet in this debate, through which I think it ought to increase.

The statute allows certain men who are in the ranks as noncommissioned officers to undergo competitive examination after they are in the service two years, and a board is organized at different places for the purpose of examining them. They undergo the most critical examination, and when they do so successfully they are recommended for appointment in the regular service. I think that should be looked to and encouraged, if you want to increase the number of cadets.

I believe that is a better channel for the cadet, and that will keep it away from the governor and Senators and put it in the competitive channel. It will be an encouragement to the young men who are in the Army, and induce others to enter it, to prepare themselves thoroughly for military life, and because they will have open to them this avenue for success and the gratification of their ambition.

Mr. President, the Senator from Colorado said he did not want to increase the Army, but yet approves of this 5,000. That is certainly a poor way to show opposition to such increase. I must correct the impression that was sought to be made by my friend the Senator from Missouri [Mr. COCKRELL] in assuming that I did not want these coast-defense guns taken care of. I do not oppose taking care of these guns.

That certainly ought to be done, but we have 98,000 men in the field to draw these capable men from, and I say these are men

already trained soldiers, and are capable of taking care of these guns better than any you can get from recruiting stations. You can spare them for that duty and not lessen the efficiency of the service and not increase your Army. They have been trained as soldiers and they can be assigned to this duty without detriment to the infantry or cavalry or field artillery service. That is the source from which I think the guns in our coast defense should be manned and cared for.

But, according to the philosophy of the Senator from Missouri, these guns will keep off armies from us. Mr. President, there is no trouble with infantry landing in this country, regardless of these coast guns, if an enemy saw fit to do so, for they can be easily flanked. But if you are going to have an army to keep away your enemies, build up your Regular Army, and let it be a vast one and it will intimidate your enemies and keep them at bay. I believe such apprehensions are groundless. No army will come upon us.

These cadets are splendid young men generally, and the Army of the United States is a very remarkable one. There is esprit de corps which is very marked, and I am proud of it, and I want to see them properly educated. But I think we are going to have too many, and there will be a surplus upon the hands of the Government. That will be the embarrassing situation after June, 1900.

That being so, we had better not increase that number now, but let the law remain as it is. It is a good law. Nobody can object to it as it is. Let well enough alone.

I do not care to say anything further about these amendments other than that I am opposed to the proposition of the Senator from Massachusetts, but very favorably indorse the proposition of the Senator from Alabama.

Mr. HAWLEY. Mr. President, I have been at West Point two or three times, and I have been on the examining boards, and every time I have been there on a board or otherwise I have thought what a waste of capital there is. We might as well educate many more men there. We have not educated enough to supply the Army. We go into the ranks and systematically winnow out some of the capable sergeants and put them in as second lieutenants. They are good men as a rule, and they would be very much better for the education.

I do not think this enlargement here will give a surplus of officers to the Army. But suppose it should. What happens? What has happened before? As a rule, the men who have gone out of our Army into civil life, the moment they heard the drum of approaching war, rushed to Washington or by telegraph offered their services. Practically every man in civil life whose health remained to him would offer his services to his country. There is nothing wasted by graduating a few men, if we do not need them at the time, after being educated at that institution, which is the best of its character, in my judgment, in the world. There is land enough there. There are professors enough to educate many more men, to the great benefit of the country and to the great benefit of the Army.

I am satisfied with this increase. I do not think it would trouble the Senator very much if he had a chance once in four years to recommend a cadet. It is a very easy thing to do. Neither do I believe in a competitive examination. I have had the pleasure of sending into the Navy two young men and into the Army one, whom I recommended. Each of the three has justified my choice. They are admirable officers, and the manner in which they have been received and disposed of in the Army and in the Navy shows what the Government thinks of them. I did not have a competitive examination. Excuse me if I go into the details a little bit. As to the first one I had to appoint, I said nothing about it. I did not advertise it. I made a few inquiries of the educators about the State.

I went to the very accomplished principal of our fine high school in Hartford. I said, "I do not want this made public. I am not going to have a competitive examination; but I have to nominate a young man for the Annapolis Academy. Perhaps you can give me just the man." It is a fine school. They graduate fine young men there. "I want a boy who will not lie and who is not afraid and who is liked by his comrades. I do not say he must be the head boy in his examinations." Sometimes a man can pass an examination intellectually—I had seen that in the Volunteer Army—who turns out to be lacking in the very qualities essential to make a soldier. I knew one man who graduated from the normal school and was teaching in an academy who passed a better competitive examination than any of the other 14 competitors. I was one of the judges. He was not nearly so well fitted for the life of a soldier as some of the others.

But that is a matter which each Senator can settle for himself. He can have a competitive examination if he prefers. The Senators and Representatives can settle that. I confess I should be delighted to have a chance to select a young man who would suit me, and I think I could find out not only whether he had the intellectual qualities, but whether he had the peculiar qualifications of manhood and character that make the officers.

Mr. CULBERSON. Let the pending amendment be stated.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Massachusetts will be stated.

The SECRETARY. It is proposed to amend section 17, page 8, by adding after the words "at large," at the end of line 24, the following:

To be appointed on the recommendation of the governor of said State.

Mr. PETTUS. What is the parliamentary rule? Which question comes first?

The PRESIDENT pro tempore. The Senator from Massachusetts has a right to perfect the portion of the bill which the Senator from Alabama moves to strike out.

Mr. PETTUS. Very well.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Massachusetts. The amendment was rejected.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Alabama.

Mr. PETTUS. On that I ask for the yeas and nays.

Mr. KENNEY. Let the amendment be stated.

The PRESIDENT pro tempore. The amendment will again be stated.

The SECRETARY. It is proposed to amend section 17, on page 8, line 24, by striking out, after "Columbia," the following:

Two from each State at large.

The PRESIDENT pro tempore. The question is on agreeing to the amendment which has been stated, on which the Senator from Alabama demands the yeas and nays.

The yeas and nays were ordered.

Mr. HALE. Mr. President, for one I hope this amendment will be adopted. In the present condition of the Army, particularly with 300 civilian appointments having already been made who are now in the Army, who are becoming practiced officers, who are getting inured by military life and who will make a valuable force in the Army for the future, considering the likelihood that at some blessed day, if it shall ever dawn upon us, we may reduce the Army. I do not think there is any need of providing more cadets to be educated at West Point. I do not think the future has in it any demand of this kind, and I wish the committee, in their project of establishing the Army as it ought to be and duly increasing it in the artillery branch, had left this feature of West Point alone and had brought in nothing. This amendment offered by the Senator from Alabama practically disposes of a large portion of the objectionable feature of this section. That the President may have a few more, I do not object.

Mr. PETTUS. Twenty.

Mr. HALE. Twenty more?

Mr. PROCTOR. Ten more.

Mr. HALE. Whatever it may be, I do not object.

Mr. BACON. Twenty altogether.

Mr. HALE. I do not think, to repeat myself, there is any reason now in the condition of the Army why this innovation should be established and that Senators should be called upon to nominate cadets at West Point. Personally I do not desire it. It is a matter of the greatest relief to me now, in answer to the 50 letters I get every year, that Senators have no appointments at West Point; that it is all left to the popular branch, and the boys are designated by the Representatives of the several districts, as they ought to be, and the Senate is left outside of all that. I should be glad to see it left as it is now.

Therefore I am heartily in accord with the Senator from Alabama, and I hope his amendment will be adopted to strike out "two from each State at large;" and then following that he wants to strike out the words, in line 4 of the next page, "or of the States, respectively."

Mr. PROCTOR. I have only a word to say. All these cadets are appointed by the President. I presume if this measure is adopted as it is, if any Senator does not choose to make a recommendation of course the President would make the appointment.

Mr. HALE. Everybody will understand that the appointments at large are to be made upon the recommendation of Senators, and it will be so expected.

Mr. BATE. He can not decline to do it. He has to take action. He can not dodge.

Mr. PROCTOR. I said if he should decline. I do not expect he will. West Point has been a representative institution. I do not see any reason why Senators, representing the States, should not have appointments there the same as Representatives; but I am not at all particular about the method. It is very important that there shall be a fair proportion of educated officers in the Army. This bill practically increases the Army just about an even 20 per cent, and inasmuch as with the Army, as it has been, there has been a deficiency of educated officers, it seems to me very important that we should have a larger number.

I have run over the Register to see how it is with the infantry. I make it out that with 25 regiments there are only 34 second lieutenants West Point graduates, only about 10 per cent, as the full

quota of second lieutenants would be 300. Some regiments are without a single one, and no regiment has more than three graduates of West Point among the second lieutenants. It seems to me very important that there should be a larger number of educated officers in those regiments in proportion.

Mr. PETTUS. Mr. President, Senators have called your attention to the large number of thoroughly educated young men now taking their graduating course in actual service. I am very much obliged for the suggestion. You old soldiers know, every one of you, that you may establish any school you please for training men for fighting, but there is no school on earth like doing the work itself. You let a man be shot at for a year or two, and he is the best engineer you ever saw to protect himself from the bullets. There is no school on earth that educates a man so fast to be a soldier as being shot at by the enemy. These men ought to have a chance to go into the Army if the President finds them fit.

Mr. HAWLEY. We can not afford to keep up a war for the sake of educating young men. We want in time of peace a good body of men. Of the men who go out of West Point, about 40 per cent get commissions. Such is the severity of the closing examination. Forty per cent of those who enter get appointed.

Mr. MONEY. I suppose the Senator in charge of this bill is accurate in his statement, but I want to ask him if it is correct that the President has the appointment of the cadets in case the Representative fails to appoint? I know it is not so as to the Naval Academy, where the Representative fails to appoint by a certain date, and then the Secretary of the Navy has the appointment. I do not know whether it is true of the Secretary of War or not.

Mr. PROCTOR. The President has the appointment of all of them at West Point. As to the Representatives, that is a mere custom which has grown up by courtesy to allow them to recommend. The appointing power is entirely with the President by statute.

Mr. MONEY. As I said, I do not know how it is at West Point, but as to Annapolis the law allows the Secretary to appoint if the Representative fails. I know that to be the fact, because I myself had the law amended confining the Secretary in his choice to the district that was vacant. They had been in the habit, by looking back to the record, of appointing people from Washington here instead of the district which they represented, or appointing from the Secretary's own district, or from his circle of personal friends. That had been the custom, and I recollect very well that I introduced and put through the House a bill, and it afterwards went through here, that confined the Secretary to the district in which the appointment had failed to be made by the Representative.

Mr. PROCTOR. If the Senator will allow me, I will read the statute. It is section 1315:

SEC. 1315. The corps of cadets shall consist of 1 from each Congressional district, 1 from each Territory, 1 from the District of Columbia, and 10 from the United States at large. They shall be appointed by the President, and shall, with the exception of the 10 cadets appointed at large, be actual residents of the Congressional or Territorial districts, or of the District of Columbia, respectively, from which they purport to be appointed.

Mr. MONEY. That is a general law. I understand it.

Mr. TILLMAN. Is that for Annapolis or West Point?

Mr. PROCTOR. West Point.

Mr. MONEY. When the Representative fails to appoint, then the President appoints.

Mr. PROCTOR. The President appoints whether the Representative fails or not. The Representative merely recommends.

Mr. HOAR. I understand it is a mere custom which has grown up, and that there is no law whatever for appointment by the Representative, nor has there been from the beginning. For more than sixty years, certainly, the President has invited the appointment by Representatives.

Mr. MONEY. I understand very well the rule for appointments at Annapolis.

Mr. HOAR. For Annapolis there is an express provision of law.

Mr. ALLISON. The rule I think is invariable that when a cadet at West Point or Annapolis fails the Representative is notified by the Secretary of War or the Secretary of the Navy that a failure has taken place.

Mr. MONEY. That is not the failure I am speaking of, if the Senator will excuse me. In that case the Secretary has a right to nominate him, and the Secretaries have heretofore been confining their choice to their own districts or to their personal friends here in Washington or elsewhere, without regard to the district of the Representative who failed to appoint. That has been amended as to Annapolis.

Mr. ALLISON. I will say to the Senator that it rarely ever occurs, and when it does occur I have no doubt the Secretary of War makes a recommendation, having all the applications, etc., in his office, to the President and the President appoints.

Mr. MONEY. We understand that of course—we know that, but the nomination is an appointment in the case of the Representative or Secretary.

Now, further, Mr. President, I desire to say a few words. I do not like this feature of the bill allowing Senators to appoint the cadets to West Point and Annapolis, not because it is not a privilege that should be appreciated, and I have been informed by the superintendent of both academies that they very much prefer to have the Representatives select the young men who come there; and as to the young gentlemen who present themselves after competitive examination, and while they get in that way the largest percentage in the long run, they did not keep up as well as those personally selected.

Now, if the Army continues to grow there will be not enough of cadets to officer the Army in its lower grades, but I desire that as many places as can be, allowing the Representatives to select as under the law at present, shall be left for the rank and file and noncommissioned officers.

There is nothing so stimulating to the private soldier or the non-commissioned officer as the hope of a commission, which is not only something in money, but it is an elevation in the social scale. A man who has been a private in the Army, and I have been a private in the Army, knows exactly what it is. I was a private in the most democratic army that ever was in the world, for there was not a man in the regiment who thought himself better than I. Still there is a great deal of difference between the private and an officer. It is a distinct raising in the social scale, as well as an appreciation of salary.

There is another thing about that. It makes good soldiers to hold this hope out before them. Some military critic said that the invincibility of the army of Napoleon was that every private soldier carried the baton of a marshal in his knapsack, and if it could be understood that every private soldier in the United States Army could carry the baton of a major-general in his knapsack I think you would have better soldiers.

As far as I am concerned I have no desire to disparage the life of a soldier. It is not to be despised. Mr. President, I think something more ought to be left to the noncommissioned officers and the rank and file than there is proposed under this bill.

I shall therefore, with great deference to my friend in charge of the bill, vote against the appointment of cadets by Senators. I do not think that any private soldier or any organization has been heard here on this subject. I have had letters, though, myself, and I have had the pleasure of assisting two or three young gentlemen who are in commission from the ranks of noncommissioned officers; and their records show that they are good officers. We all know, and every one of you knows personally, young men of good families, of good ability, who prefer the profession of arms, and who enter the Army as private soldiers in the hope of winning a noncommissioned place and afterwards a commission.

Of course this sort of a bill will, in a great measure, deter that class of men from entering the Army as privates; and while I would not advise any young man to go into the Army as a private, yet still if those young men choose that profession and want to serve their country in that way, I think the inducements ought to be offered to them, so that they can feel not only an ambition to distinguish themselves if they have an opportunity in the service of the country, but I think that the argument ought to have some weight with the Senate, for we certainly must know what is due to the private soldier. I believe it was Napoleon who said that an army of sheep led by a lion is better than an army of lions led by a sheep. But, nevertheless, it is the individuality of the man, not the rank, that gives the Army renown. We all recognize the fact that we have got to have good material there.

Mr. TILLMAN. Along the same line that has just been suggested by the Senator from Mississippi, I would remind those who are solicitous for Army officers to be educated at West Point that the present head of the Army, if I am not mistaken, is not a West Pointer.

Mr. TELLER. No; he is not.

Mr. TILLMAN. That is indicative of the fact that the soldier is born rather than manufactured; and if we will give those men in the ranks who are striving for commissions an opportunity by examination to fill any vacancies that would follow by reason of not increasing the corps, we will have done a good thing for the Army.

Mr. MONEY. I will add, if the Senator will allow me, that not only is the present head of the Army not a graduate from West Point, but neither is Adjutant-General Corbin, who has been made major-general to-day, nor General Shafter, who was put in charge of the campaign at Santiago, nor General Schwan, nor was gallant Lawton. Not one of these men were West Pointers.

I think the greatest genius of the late civil war was a man who never saw the inside of a college, West Point or other, who did not pretend to grammatical construction of his sentences, and who spelled his words as often wrong as right. That was N. B. Forrest. I never knew a greater fighter or a greater general. He was a born soldier.

Mr. HAWLEY. Mr. President, as to the matter of promoting men from the ranks, I have the assurance of a man who knows as well as anybody in the whole Army—an officer of the War Depart-

ment—that they have been striving to get men from the ranks to make lieutenants of, and can not get enough.

Mr. TILLMAN. Will the Senator from Connecticut guarantee that there is no prejudice or feeling of caste or aristocracy on the part of the examining board against these men coming up?

Mr. HAWLEY. Yes.

Mr. TILLMAN. Then you guarantee a great deal more than I will be willing to undertake to vouch for.

Mr. TELLER. Mr. President, I am very much in favor of taking from the ranks occasionally a young man who is fitted for that place. I have had a little observation and experience in assisting some of them. I want to suggest to the Senator from Mississippi what the difficulty will be if we are ever to have a large army. With an army of 25,000 men we find that very few young men go into the Army in time of peace, or if they do, they are incapable of becoming lieutenants under the strict regulations which necessarily must be adopted in the Department. In the first place, they must have an education to a certain extent. Then they must have a physical development.

My attention was called not long ago to a young man of very good family who had entered the Army and who passed all the intellectual examinations, but lacked the physical, and there was so much of a disposition on the part of the official to help him out, which I think exists always, as near as I can learn, when a young man shows he is qualified, that he said to him, "You are not as heavy as the regulations require. Take time now and increase your weight if you can." He succeeded in doing that and got into the Army.

Now, in time of war you can not train men in the Army for lieutenants and ultimately for captains. If we had an army of 100,000 men or 50,000 men, you would get enough young men who would fill the bill to come in as lieutenants; but if you have an army of 50,000 or 100,000 and you add 500,000 to it, as we might, or if you go from 25,000, as we did, to 275,000, you can not train men then. You have to train them beforehand.

Mr. TILLMAN. Mr. President, I know if the Senator will think for a moment he will agree with me that if we are ever to have such an army as that it must be composed of volunteers, and I contend that the volunteer is a better soldier than any regular ever born, if you will train him right.

Mr. TELLER. There is no question about the volunteersoldier, and the Senator can not get up any dispute with me on that point.

Mr. TILLMAN. I am not trying to get up any contention, because I know the Senator will agree with me.

Mr. TELLER. I agree with that, and we demonstrated it in the recent war. We demonstrated it in the civil war. I had occasion to speak of the volunteer soldiers, but I do not think they are any better than the regulars. They are not a bit better.

The Senator says that men are born soldiers—that they are born, like poets, I suppose—and I think they are; but when you open the door to every young man in the country by competition and do not allow a Senator or a Representative to name the favorite son of some favorite of his, when you carry out the policy that has existed in this country that the poorest boy in the community has the same right that the son of the highest man in the community, you are going to get the men who have an ambition to be warriors. They are the men who are going to come in then, and that is the beauty of the competitive system.

The objection to the system the Senator from Connecticut says he has adopted, to pick out the men, is that he may pick a man who does not want to make a warrior of himself. Open the door and let every young man who has the ambition to become a warrior go in; give him the same chance, although he may not have the advantages of high society, relatives, and friends to push him forward; and you will get the men who are born with the instincts of a warrior; and you will not get them by any other system either, Mr. President.

I do not care how this is left—whether the Senators are to appoint them or anybody else. I should like, though, to see a provision that this competitive system, now resting only in tradition and custom, should be made an absolute provision of law. But in my State there would not any Representative in Congress think of shutting the door against them and picking out a young man. There will be thirty or forty of them sometimes wanting these places, and no Representative would have ever dared in Colorado to have said: "I have picked out a favorite of mine and I will put him in the office, and the rest of you can not have a chance." They assert that as a right. I suppose most of them think it is the law, but it has become, as somebody said, the common law at least as to the appointment of those, and I want to see it the common law of every one who goes in there, except the thirty that are left for the President. As to those I suppose we can not help ourselves, and if he picks out those who do not make very good soldiers, all right, but that provision was put in the law originally that the President of the United States might take the sons of distinguished officers who do not live in any Congressional district and have not any Representative that they could appeal to.

The PRESIDING OFFICER (Mr. KEAN in the chair). The

Secretary will call the roll on agreeing to the amendment of the Senator from Alabama [Mr. PETTUS].

Mr. PETTIGREW. I should like to have the amendment read. The PRESIDING OFFICER. The Secretary will read the amendment.

The SECRETARY. In section 17, page 8, line 24, it is proposed to strike out, after the word "Columbia," the words:

Two from each State at large.

The Secretary proceeded to call the roll.

Mr. LINDSAY (when his name was called). I have a general pair with the senior Senator from Michigan [Mr. McMILLAN], and therefore withhold my vote.

Mr. DEPEW (when the name of Mr. PLATT of New York was called). My colleague [Mr. PLATT of New York] is paired.

Mr. PRITCHARD (when his name was called). I am paired with the junior Senator from South Carolina [Mr. McLAURIN], who is necessarily absent. I therefore withhold my vote.

Mr. SPOONER (when his name was called). I am paired with the Senator from Tennessee [Mr. TURLEY], who is absent. If I were at liberty to vote, I should vote "nay."

Mr. TALIAFERRO (when his name was called). I have a general pair with the Senator from West Virginia [Mr. SCOTT].

Mr. TILLMAN (when his name was called). I have a general pair with the Senator from Nebraska [Mr. THURSTON]. In his absence I withhold my vote.

I will announce, while on my feet, that my colleague [Mr. McLAURIN] is absent on account of illness.

The roll call was concluded.

Mr. TILLMAN. I suggest to the Senator from North Carolina [Mr. PRITCHARD] that we transfer our pairs and vote.

Mr. PRITCHARD. That course will be agreeable to me, Mr. President. I vote "nay."

Mr. TILLMAN. I vote "yea."

Mr. PETTUS (after having voted in the affirmative). I have a general pair with the senior Senator from Massachusetts [Mr. HOAR]. I voted without observing that he had left the Chamber. I withdraw my vote.

Mr. KENNEY (after having voted in the negative). I have a general pair with the Senator from Pennsylvania [Mr. PENROSE], but I understand that if he were present he would vote "nay." I will therefore allow my vote to stand.

Mr. BACON (after having voted in the affirmative). This being a question purely nonpolitical, I allow my vote to stand, although the junior Senator from Rhode Island [Mr. WETMORE] is absent, our agreement permitting it.

Mr. MONEY. My colleague [Mr. SULLIVAN], who is absent on important business, is paired with the Senator from Illinois [Mr. MASON].

The result was announced—yeas 13, nays 33; as follows:

YEAS—13.

Bacon, Bate, Berry, Clay,	Cockrell, Frye, Hale, Lodge,	Pettigrew, Platt, Conn. Rawlins, Tillman,	Vest.
Allison, Bard, Burrows, Butler, Culberson, Davis, Deboe, Depew, Elkins,	Fairbanks, Foraker, Gallinger, Gear, Hanna, Harris, Hawley, Kean, Kenney,	Kyle, McComas, McCumber, McEnery, Nelson, Perkins, Pritchard, Proctor, Quarles,	Ross, Sewell, Simon, Stewart, Teller, Wellington.

NOT VOTING—41.

Aldrich, Allen, Baker, Beveridge, Caffery, Carter, Chandler, Chilton, Clark, Mont. Clark, Wyo. Cullom,	Daniel, Foster, Hansbrough, Heitfeld, Hoar, Jones, Ark. Jones, Nev. Lindsay, McBride, McLaurin, McMillan,	Mallory, Martin, Mason, Money, Morgan, Penrose, Pettus, Platt, N. Y. Scott, Shoup, Spooner,	Sullivan, Taliaferro, Thurston, Turley, Turner, Warren, Wetmore, Wolcott.
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So Mr. PETTUS's amendment was rejected.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FREE HOMES.

The PRESIDENT pro tempore. The Chair lays before the Senate a bill received from the House of Representatives.

The bill (H. R. 996) providing for free homesteads on the public lands for actual and bona fide settlers, and reserving the public lands for that purpose, was read twice by its title.

Mr. NELSON. There is a Senate bill on the Calendar which is similar to the bill received from the House of Representatives. I

ask that the House bill may be substituted for it, and that the Senate bill be indefinitely postponed.

The PRESIDENT pro tempore. The Senator from Minnesota asks that the bill from the House of Representatives, the title of which has just been read, may take the place on the Calendar of the bill (S. 17) to provide free homes on the public lands for actual and bona fide settlers, and reserve the public lands for that purpose, as Order of Business No. 75, and that Order of Business No. 75, being Senate bill No. 17, be indefinitely postponed. Is there objection? The Chair hears none, and it is so ordered.

HEIRS OF BENJAMIN WILSON.

Mr. PERKINS. In pursuance of the notice heretofore given, I ask the Senate now to proceed to the consideration of the fortifications appropriation bill.

Mr. LINDSAY. I ask the Senator to yield to me that I may request unanimous consent for the present consideration of the bill (S. 1864) for the relief of the heirs of Benjamin Wilson.

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from Kentucky?

Mr. PERKINS. I will yield to the Senator from Kentucky, but after that I trust that Senators will permit us to proceed with the consideration of the fortifications appropriation bill.

The PRESIDENT pro tempore. The Senator from Kentucky asks unanimous consent for the present consideration of a bill which will be read in full for the information of the Senate.

The Secretary read the bill (S. 1864) for the relief of the heirs of Benjamin Wilson; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. PETTUS. I should like to hear the report read in that case.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report submitted by Mr. LINDSAY on the 23d of April, 1900, as follows:

The Committee on Revolutionary Claims, to whom was referred the bill (S. 1864) for the relief of the heirs of Benjamin Wilson, deceased, and the petition of Rachael Wilson, his daughter, having examined the same, report as follows:

The bill is the same as one reported favorably in the Thirty-fourth, Thirty-fifth, and Thirty-sixth Congresses, and is a bill to pay the heirs in general of Col. Benjamin Wilson, a Revolutionary soldier, for services as an officer of Virginia militia, called into Federal service under an order of April 13, 1790, in protecting the frontier against the Indians.

The petition of Rachael Wilson, his daughter, asks to have this money paid to herself, instead of to the heirs generally, and as Colonel Wilson had 29 children, and his heirs or distributees are very numerous, so that the small amount claimed, \$2,998.80, would, if divided among them, be of no benefit to anyone, and as, moreover, three grandsons (Col. Benjamin Wilson, of Clarksburg, W. Va., formerly a Representative in Congress, Hon. B. Wilson Smith, of Indianapolis, and Hon. Gideon C. Wilson, of Cincinnati, Ohio) make affidavit that the family desire that the money shall go to Rachael Wilson, your committee recommend that the payment be so made, instead of to the family in general.

Col. Benjamin Wilson was evidently a man of great prominence and value on the frontier. He was a member of the convention of Virginia which ratified the Constitution of the United States in 1788, and several times a member of the general assembly of Virginia. About the beginning of the Revolutionary war he removed from the Valley of Virginia, west of the Allegheny Mountains, to a point near the present city of Elkins, now in Randolph County, W. Va., where he constructed a fort for the protection of settlers against Indian incursions, and from that time on, on what was then the extreme western frontier, he served his State, and when called upon by the Federal Government he served his country in the most dangerous and trying and useful way.

As the particular service for which pay is now asked by his surviving daughter, who, as your committee learn, is impecunious and bedridden, is fully explained in the three reports referred to, made prior to the civil war, your committee append and make part of this report the earliest of those three. The others are House Report No. 27, Thirty-fifth Congress, first session, and House Report No. 78, Thirty-sixth Congress, first session, made in the year 1860, just prior to the great war which suspended all interest in matters of this kind.

The amount now recommended is the same as then recommended, for the same period of service in 1791 and 1792, and has been calculated by direction of the Paymaster-General of the Army in the manner recommended by those old committees. The only change now recommended is the payment to the surviving daughter, Rachael Wilson, instead of scattering the money among several hundred descendants of this Revolutionary character.

[House Report No. 163, Thirty-fourth Congress, third session.]

The memorial of the children and other heirs of Col. Benjamin Wilson, late of Harrison County, in the State of Virginia, deceased, represent: That their said ancestor entered the military service of that State (then a colony) as early as the year 1774, when he served as lieutenant, under Governor Dunmore, against the hostile Indians, and that he continued to hold commissions in the State militia, rising through the successive grades, until the year 1793; that during the period of the Revolution he was frequently in active service, and that after the close of that contest he was, from time to time, in arms against the Indians until the frontier was quieted by the treaty of Greenville in 1795, about which time he resigned the commission he had held since the year 1781 as colonel of Harrison County militia.

In support of these allegations the memorialists refer to the histories of the times, in which Colonel Wilson had obtained such reputation as to be mentioned by name with high commendation, and to certain documents recovered from among the few which at this late day remain of the private papers of the deceased veteran.

The memorialists assimilate the services of their ancestor during the Revolution to those of the officers of the Virginia State and continental lines, and ask an allowance equivalent to the commutation of half pay granted to those officers.

Although the evidence produced proves much of the service alleged, and the committee are satisfied by the historical and other references that all of it was performed, they are not prepared to recommend the extension of the commutation to any other officers than those to whom it was promised by

the resolutions of the Continental Congress, and can not, therefore, report a bill in conformity with the prayer of the memorialists.

With regard, however, to the claim for services rendered subsequently against the Indians the case is different.

It is historically known that from the commencement of the Revolution to the conclusion of the treaty of Greenville the western frontier of Virginia was harassed incessantly by threatened or actual Indian hostilities; and Colonel Wilson was undoubtedly, from his military rank, experience, and standing in the community, one of the foremost in the defense of the settlements. Indeed, it is stated, from a source of unquestionable authority, that his residence was the refuge of the surrounding settlers in time of danger, and was then and long thereafter known as "Wilson's fort."

It is only, however, during a portion of this period that the services of Colonel Wilson were of such a nature, and are established by such evidence, as to afford ground for such claim as can be recognized by this Government according to the existing practice.

It appears, from original instructions now produced, signed by Gen. Henry Knox, Secretary of War, and issued on the 13th of April, 1790, that at that date the General Government determined to take more efficient measures for the relief of the Western frontier, and in this paper directions are given for calling into service portions of the militia of the county, for stating the accounts of the men engaged, and for proving their service in such form as to obtain payment from General Harman, or the commander of the United States troops on the Ohio, under whose direction such service was to be rendered. It was expressly stated that the arrangement was but an experiment, and could not be continued unless great care and economy should be observed by the militia officers in the use of this discretionary power.

These instructions were received by Colonel Wilson, as proved by an indorsement thereon in his own hand, on the 10th of August, 1790; and it further appears, by original returns made by him and a report signed by him as colonel of Harrison County militia, that scouts or rangers were detailed for duty, under these instructions, at various periods from that date to the 2d of December, 1792; that the General Government assumed payment of those who were in service when the instructions were received, retrospectively, from the 1st of May, 1790, a date subsequent to that of the instructions, but several months prior to their receipt by Colonel Wilson, and that the last payment made by him was on the 17th of March, 1794.

The precise nature of the services performed by Colonel Wilson in reference to these details is not established fully by the original documents produced. In one case only is it distinctly stated that he himself ordered out the men; but there can be no doubt, from the manner in which the returns were made by him, and from the fact that he stated the accounts and paid off the men, that he acted under the instructions above mentioned and discharged all the duties thereby imposed. The services thus rendered appear in every respect similar to those performed by militia officers in certain cases during the late war with Mexico, "in organizing volunteers," which have been paid for under the general acts of March 2, 1847 (9 Stat., 206), and June 2, 1848 (9 Stat., 236), and the committee are of opinion that the services of Colonel Wilson should be remunerated on the same principle; they therefore report a bill allowing pay from the date when he received the instructions from the Secretary of War to the date of the discharge of the last detachment of militia called out in pursuance thereof.

This period is little more than half that which would be arrived at by taking for its commencement the date when the United States assumed payment of the militia, and for its termination the date of the last payment made by Colonel Wilson to the said troops. Though these dates perhaps mark strictly the beginning and end of Colonel Wilson's service as proven, under the authority of the United States, yet his service is not shown to have been continuous, and, under the circumstances, can not be supposed to have been so. Payment for the shorter period, therefore, is all that the claimants are entitled to expect.

[House Report No. 279, Thirty-fifth Congress, first session.]

The memorial of the children and other heirs of Col. Benjamin Wilson, late of Harrison County, in the State of Virginia, deceased, represent: That their said ancestor entered the military service of that State (then a colony) as early as the year 1774, when he served as lieutenant under Governor Dunmore, against the hostile Indians, and that he continued to hold commissions in the State militia, rising through the successive grades until the year 1795; that during the period of the Revolution he was frequently in active service, and that after the close of that contest he was, from time to time, in arms against the Indians, until the frontier was quieted by the treaty of Greenville, in 1795, about which time he resigned the commission he had held since the year 1781 as colonel of Harrison County militia.

In support of these allegations, the memorialists refer to the histories of the times, in which Colonel Wilson had obtained such reputation as to be mentioned by name with high commendation, and to certain documents recovered from among the few which at this late day remain of the private papers of the deceased veteran.

The memorialists assimilate the services of their ancestor during the Revolution to those of the officers of the Virginia State and Continental lines, and ask an allowance equivalent to the commutation of half pay granted to those officers.

Although the evidence produced proves much of the service alleged, and the committee are satisfied by the historical and other references that all of it was performed, they are not prepared to recommend the extension of the commutation to any other officers than those to whom it was promised by the resolutions of the Continental Congress, and can not, therefore, report a bill in conformity with the prayer of the memorialists.

With regard, however, to the claim for services rendered subsequently against the Indians, the case is different.

It is historically known that from the commencement of the revolution to the conclusion of the treaty of Greenville, the western frontier of Virginia was harassed incessantly by threatened or actual Indian hostilities; and Colonel Wilson was undoubtedly, from his military rank, experience, and standing in the community, one of the foremost in the defense of the settlements. Indeed, it is stated, from a source of unquestionable authority, that his residence was the refuge of the surrounding settlers in time of danger, and was then and long thereafter known as "Wilson's fort."

It is only, however, during a portion of this period that the services of Colonel Wilson were of such a nature, and are established by such evidence, as to afford ground of such claim as can be recognized by this Government according to existing practice.

It appears from original instructions now produced, signed by Gen. Henry Knox, Secretary of War, and issued on the 13th of April, 1790, that at that date the General Government determined to take more efficient measures for the relief of the Western frontier, and in this paper directions are given for calling into service portions of the militia of the county, for stating the accounts of the men engaged, and for proving their service in such form as to obtain payment from General Harman, or the commander of the United States troops on the Ohio, under whose direction such service was to be rendered. These instructions were received by Colonel Wilson, as proved by an indorsement thereon in his own hand, on the 10th of August, 1790; and

it further appears by original returns made by him, and a report signed by him as colonel of Harrison County militia, that scouts or rangers were detailed for duty, under these instructions, at various periods from that date to December 2, 1792; that the General Government assumed payment of those who were in service when the instructions were received, retrospectively, from the 1st of May, 1790, a date subsequent to that of the instructions, but several months prior to their receipt by Colonel Wilson, and that the last payment made by him was on the 17th of March, 1794.

The precise nature of the services performed by Colonel Wilson in reference to these details is not established fully by the original documents produced, but there can be no doubt, from the manner in which the returns were made by him, and from the fact that he stated the accounts and paid off the men, that he acted under the instructions above mentioned and discharged all the duties thereby imposed.

The services thus rendered appear, in every respect, similar to those performed by militia officers in certain cases during the late war with Mexico, "in organizing volunteers," which have been paid for under the general acts of March 3, 1847 (9 Stat., 206), and June 2, 1848 (9 Stat., 236), and the committee are of opinion that the services of Colonel Wilson should be remunerated on the same principle. They therefore report a bill allowing pay from the date when he received the instructions from the Secretary of War to the date of the discharge of the last detachment of militia called out in pursuance thereof.

This period is little more than half that which would be arrived at by taking for its commencement the date when the United States assumed payment of the militia, and for its termination the date of the last payment made by Colonel Wilson to the said troops.

Though these dates, perhaps, mark strictly the beginning and the end of Colonel Wilson's services, as proven under the authority of the United States, yet his service is not shown to have been continuous, and under the circumstances can not be supposed to have been so. Payment for the shorter period, therefore, is all that the claimants are entitled to expect.

[House Report No. 78, Thirty-sixth Congress, first session.]

The memorial of the children and other heirs of Col. Benjamin Wilson, late of Harrison County, in the State of Virginia, deceased, represent: That their said ancestor entered the military service of the State (then a colony) as early as the year 1774, when he served as lieutenant under Governor Dunmore against the hostile Indians, and that he continued to hold commissions in the State militia, rising through the successive grades, until the year 1795; that during the period of the Revolution he was repeatedly in active service, and that after the close of that contest he was, from time to time, in arms against the Indians until the frontier was quieted by the treaty of Greenville in 1795, about which time he resigned the commission he had held since the year 1781 as colonel of Harrison County militia.

In support of these allegations the memorialists refer to the histories of the times, in which Colonel Wilson had obtained such reputation as to be mentioned by name with high commendation, and to certain documents recovered from among the few which at this late day remain of the private papers of the deceased veteran.

The memorialists assimilate the services of their ancestors during the Revolution to those of the officers of the Virginia State and Continental lines, and ask an allowance equivalent to the commutation of half pay granted to those officers.

Although the evidence produced proves much of the service alleged, and the committee are satisfied by the historical and other references that all of it was performed, they are not prepared to recommend the extension of the commutation to any other officer than those to whom it was promised by the resolutions of the Continental Congress, and can not, therefore, report a bill in conformity with the prayer of the memorialists.

With regard, however, to the claim for the services rendered subsequently against the Indians the case is different.

It is historically known that, from the commencement of the Revolution to the conclusion of the treaty at Greenville in 1795, the western frontier of Virginia was harassed incessantly by threatened or actual Indian hostilities; and Colonel Wilson was undoubtedly, from his military rank, experience, and standing, one of the foremost in the defense of the frontier settlements. Indeed, it is stated from a source of unquestionable authority that his residence was the refuge of the surrounding settlers in time of danger, and was then and long thereafter known as "Wilson's fort."

It is, however, during a portion only of this period that the services of Colonel Wilson were of such a nature, and are established by such evidence, as to afford ground of such claim as can be recognized by this Government according to existing practice.

It appears from original instructions now produced, signed by Gen. Henry Knox, Secretary of War, and issued on the 13th of April, 1790, that at that date the General Government determined to take more efficient measures for the relief of the western frontier, and in those instructions authority was given for calling into service portions of the militia of the frontier, for stating the accounts of the men engaged, and for proving their service in such form as to obtain payment from General Harman, or the commander of the United States troops on the Ohio, under whose direction such service was to be rendered.

These instructions were received by Colonel Wilson, as proved by an indorsement thereon in his own hand, on the 10th of August, 1790; and it further appears by original returns made by him, and a report signed by him as colonel of Harrison County militia, that scouts or rangers were detailed for duty under these instructions at various periods from that date; that the General Government assumed payment of those who were in service when the instructions were received, retrospectively, from the 1st of May, 1790, a date subsequent to that of the instructions, but several months prior to their receipt by Colonel Wilson, and that the last payment made by him was on the 17th of March, 1794.

The precise nature of the services performed by Colonel Wilson in reference to these details is not established fully by the original documents produced. But there can be no doubt, from the manner in which the returns were made by him, and from the fact that he stated the accounts and paid off the men, that he acted under the instructions above mentioned and discharged all the duties thereby imposed.

The services thus rendered appear in every respect similar to those performed by militia officers in certain cases during the late war with Mexico, "in organizing volunteers," which have been paid for under the general acts of March 3, 1847 (9 Stat., 206), and June 2, 1848 (9 Stat., 236), and the committee are of opinion that the services of Colonel Wilson should be remunerated on the same principle; they therefore report a bill allowing pay from the date when he received the instructions from the Secretary of War to the date of the discharge of the last detachment of militia called out in pursuance thereof.

This period is little more than half that which would be arrived at by taking for its commencement the date when the United States assumed payment of the militia and for its termination the date of the last payment made by Colonel Wilson to the said troops.

Though these dates mark strictly the beginning and the end of Colonel

Wilson's services, as proven under the authority of the United States, yet his services are not shown to have been continuous, and under the circumstances payment for the shorter period, therefore, is all that the claimants are entitled to expect.

The bill was reported from the Committee on Revolutionary Claims with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Rachel Wilson, of Harrison County, W. Va., the sum of \$2,998.80, being compensation for services rendered to the United States by her father, Col. Benjamin Wilson, in protecting the frontier from the Indians from August 10, 1790, to December 2, 1792.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FORTIFICATIONS APPROPRIATION BILL.

Mr. PERKINS. I now ask that the consideration of the fortifications appropriation bill be proceeded with.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9711) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial service, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. PERKINS. I ask unanimous consent that the formal reading of the bill be dispensed with and that the amendments of the committee may be acted upon as they are reached in the reading of the bill.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from California? The Chair hears none, and that order is made.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the subhead "Fortifications and other works of defense," on page 2, after line 6, to insert:

For the purchase of land on Cushings Island, Portland Harbor, Maine, as described in Senate Document No. 278, Fifty-sixth Congress, first session, to be used to erect additional batteries and for buildings for the troops, \$250,000, or so much thereof as may be necessary: *Provided*, That no part of this sum shall be expended until a valid title to all the land and property set forth in said document shall have been acquired by the United States.

The amendment was agreed to.

The next amendment was, on page 2, after line 15, to insert:

For the purchase of suitable building sites, and improvements and leases thereon, necessary to properly provide for the garrison at Sullivan's Island, Charleston, S. C., \$135,000, or so much thereof as may be necessary: *Provided*, That no part of this sum shall be expended until valid title to all the land, and improvements and leases thereon, necessary for this purpose, shall have been acquired by the United States.

The amendment was agreed to.

The next amendment was, on page 3, line 13, after the word "dollars," to insert "to be immediately available;" so as to make the clause read:

For construction of a sea wall and for necessary filling in at the reservation at Fort Caswell, N. C., \$150,000, to be immediately available.

The amendment was agreed to.

The next amendment was, under the subhead "Armament of fortifications," on page 6, after line 18, to insert:

For completing the equipment of field and siege batteries now in service, and for fully equipping four additional siege batteries according to the requirements of general orders of the War Department under date of February 24, 1900, \$115,140, to be immediately available.

The amendment was agreed to.

The next amendment was, under the subhead "Board of Ordnance and Fortification," on page 9, line 3, after the word "dollars," to insert "the expenditure of which shall be made by the several bureaus of the War Department heretofore having jurisdiction of the same, or by the board itself, as may be approved by the Secretary of War;" so as to make the clause read:

BOARD OF ORDNANCE AND FORTIFICATION.

To enable the board to make all needful and proper purchases, experiments, and tests to ascertain, with a view to their utilization by the Government, the most effective guns, small arms, cartridges, projectiles, fuses, explosives, torpedoes, armor plates, and other implements and engines of war, and to purchase or cause to be manufactured, under authority of the Secretary of War, such guns, carriages, armor plates, and other war material as may, in the judgment of the board, be necessary in the proper discharge of the duty devolved upon it by the act approved September 22, 1888; to pay the salary of the civilian member of the Board of Ordnance and Fortification provided by the act of February 24, 1891, and for the necessary traveling expenses of said member when traveling on duty as contemplated in said act; for the payment of the necessary expenses of the board, including a per diem allowance to each officer detailed to serve thereon, when employed on duty away from his permanent station, of \$2.50 a day; and for the test of experimental guns, carriages, and other devices procured in accordance with the recommendation of the Board of Ordnance and Fortification, \$100,000, the expenditure of which shall be made by the several bureaus of the War Department heretofore having jurisdiction of the same, or by the board itself, as may be approved by the Secretary of War: *Provided*, That before any money shall be expended in the construction or test of any gun, gun carriage, ammunition, or implements under the supervision of the said board, the board shall be satisfied, after due inquiry, that the Government of the United States has a lawful right to use the inventions involved in the construction

of such gun, gun carriage, ammunition, or implements, or that the construction or test is made at the request of a person either having such lawful right or authorized to convey the same to the Government.

The amendment was agreed to.

The next amendment was, on page 9, after line 21, to insert:

EMERY CARRIAGE.

To enable A. H. Emery to complete and erect the 12-inch elevating carriage he is building for the Government, the Secretary of War is hereby authorized and directed to increase the contract price of this carriage and its foundations from \$110,000 to \$130,000; and the Secretary of War is hereby authorized and directed to increase the price of the work to be done under the supplementary contract pertaining to this carriage from \$10,000 to \$30,000; and to enable the Secretary of War to make these two respective increases of \$20,000 and \$20,000 in the payments for this work; the sum of \$40,000 is hereby appropriated: *Provided*, That in the act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, approved June 6, 1896, the paragraphs providing for the payment for this carriage and its testing and for the supplementary contract pertaining thereto, beginning with the words "of the \$110,000 to be paid for this carriage and its foundations" and ending with the words "to make which payment the sum of \$10,000 is hereby appropriated," be, and is hereby, amended to read as follows:

"Of the \$130,000 to be paid for the carriage and its foundations, 90 per cent shall be paid in partial payments as the work progresses, in accordance with the proposals submitted by A. H. Emery to the board in his letter of January 21, 1893, and \$5,000 shall be due and paid the said Emery when he gives notice to the Secretary of War that he is ready to begin the construction of the foundations for this carriage, and five thousand more shall be due and paid him when the foundations are ready for the erection of the carriage; and no bonds shall be required for the return of this money or any part thereof if the carriage is not accepted, nor shall the said Emery be required to return the money paid; and the carriage shall belong to the United States when the tests are completed. The balance of the \$130,000 shall be paid for the carriage and its foundations as soon as the carriage is erected and its test completed and the work found to be done according to contract. Of the \$20,000 to be paid for the testing of the carriage, three-eighths shall be paid the contractor when the preliminary tests are completed, and the other five-eighths shall be paid to him proportionally as the 30 rounds for proof are furnished.

"And the Secretary of War is hereby authorized and directed to enter into a supplemental contract with the contractor for this carriage for the supply by him of a loading apparatus, to go with and belong to the carriage, and to be furnished therewith as a part thereof; and the carriage shall be so constructed that a part of the work of recoil can be used for the horizontal traverse of the carriage and the working of the loading apparatus; and the payment for the work so furnished under this supplementary contract shall be \$30,000, one half of which sum shall be due and payable July 1, 1900, and the other half when the carriage and loading apparatus are completed and erected, to make which payments the sum of \$30,000 is hereby appropriated. After this carriage is completed and tested and all moneys due the contractor thereon have been paid, the Government shall have the right to build any and all such other disappearing carriages as it may choose under any or all United States patents obtained at any time by the said Emery on his inventions embodied in this carriage. The royalty to be due and paid him or his legal representatives on all carriages built by or for the Government or carriages which they build, excepting the type carriage now under construction, embodying any of the said specified inventions, shall not exceed 6 per cent of the cost of the erected carriage in which such inventions are used; payment of the royalty on any such carriage to be due when such carriage is completed. And the Secretary of War is hereby authorized to extend the contract for the construction, erecting, and testing of this carriage two years from the date of the approval of this act, and said carriage shall be completed, tested, and turned over to the United States within said period."

Mr. TELLER. I move to amend the amendment, in line 2 on page 13, after the word "period," by inserting "if it shall be practicable to do so." I have the consent of the subcommittee who considered the bill to offer the amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to amend the amendment, on page 13, line 2, after the word "period," by inserting "if it shall be practicable to do so."

Mr. PERKINS. There is no objection to that.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 13, after line 2, to insert:

ISHAM SHELL AND TUTTLE "THORITE."

To enable the Secretary of War to purchase the United States Letters Patent No. 622479, issued April 4, 1899, covering the Isham high-explosive shell, designed for firing high explosives and carrying the same through armor plate, invented and now owned and controlled by Willard S. Isham, and also to purchase the entire and exclusive right for the United States to manufacture and use the high explosive "thorite," invented and now owned and controlled by Dr. Hiram P. Tuttle, \$100,000: *Provided*, That all formulae, data, and facts related to said process and necessary to the successful manufacture of said "thorite" shall be placed in the possession of the Secretary of War, and to his satisfaction, before any payment for the same shall be made.

The amendment was agreed to.

Mr. KEAN. I offer the amendment which I send to the desk to come in as an additional section to the bill. I think the committee will accept it.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to add to the bill the following as an additional section:

SEC. —. The Secretary of War is hereby authorized and directed to make partial payments under the contracts now existing with the War Department for the purchase and erection of pneumatic dynamite guns, carriages, etc., and ammunition for same, the said payments to be proportioned to the amount of work done and material furnished to date under said contracts: *Provided*, That the contractors furnish a satisfactory bond, equal to the amount of all payments to be made, indemnifying the Government against

loss in case the said dynamite guns, fittings, etc., shall not fulfill the contract requirements: *Provided further*, That the aggregate amount of partial payments made under the contract shall not exceed 80 per cent of the work done and material furnished to date of payment.

Mr. PERKINS. There is no objection to the amendment, Mr. President.

The amendment was agreed to.

Mr. TELLER. I inquire if the amendment in relation to the Isham shell has been adopted?

The PRESIDENT pro tempore. It has been adopted.

Mr. TELLER. The Senator from Vermont [Mr. PROCTOR] who stepped out a moment ago desires, I think, to offer an amendment to that amendment, but he can do that when the bill is reported to the Senate, I suppose.

The PRESIDENT pro tempore. That can be done when the bill is reported to the Senate.

Mr. TELLER. I shall send for the Senator.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

Mr. TELLER. Is it too late now to offer an amendment to an amendment which has been adopted?

The PRESIDENT pro tempore. No; it is open to amendment in the Senate.

Mr. TELLER. I have sent for the Senator from Vermont, and I suppose he will be here in a moment. If he does not come in, I will myself move an amendment.

Mr. PROCTOR subsequently entered the Chamber.

Mr. PERKINS. I ask now that the consideration of the fortifications bill may be resumed.

The Senate resumed the consideration of the bill (H. R. 9711) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

Mr. PERKINS. I understand there are no further amendments.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

COLORADO COOPERATIVE COLONY.

Mr. PETTIGREW. I should like to ask unanimous consent for the consideration of a bill while we are waiting for the Senator from Vermont. I think it will only consume the time necessary to read it. It is House bill 6250, reported by the Committee on Public Lands with amendments.

The PRESIDENT pro tempore. The Senator from South Dakota asks unanimous consent for the present consideration of a bill, which will be read in full for the information of the Senate.

The Secretary read the bill (H. R. 6250) extending the time for proof and payment on lands claimed under the desert-land law of the United States by the members of the Colorado Cooperative Colony in southwestern Colorado; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Public Lands with amendments.

The first amendment of the Committee on Public Lands was to insert as a new section the following:

SEC. 2. That any person who, prior to the passage of this act, having made a homestead entry, but for any cause lost or forfeited the same, or for any reason failed to perfect or secure title in fee simple to the land embraced therein, or who, having perfected or secured such title, did so by what is known as the commutation of his homestead entry under section 2301, United States Revised Statutes, may make a homestead entry of not exceeding one quarter section of any of the public lands in any State or Territory subject to such entry.

The amendment was agreed to.

The next amendment was to insert as a new section the following:

SEC. 3. That any person desiring to make another entry under this act will be required to make affidavit, to be transmitted with the other filing papers now required by law, giving the description of the tract formerly entered, date and number of entry, and name of the land office where made, or other sufficient data to admit of readily identifying it on the official records.

The amendment was agreed to.

The next amendment was to insert as a new section the following:

SEC. 4. That on the proper showing being made by any qualified applicant under this act, to the satisfaction of the register and receiver, that his former entry has been lost or forfeited for any cause, and that he has not perfected or secured title thereto under the homestead law, or who, having perfected title thereto, did so under section 2301 of the United States Revised Statutes, and having all other proper qualifications of a homestead entryman, the register and receiver will, without further showing, on payment of the usual fees and commissions, allow his said application and make his entry of record: *Provided*, That the provisions of this act shall apply to and include those persons who purchased land under and in accordance with the terms of an act entitled "An act to provide for the sale of lands patented to certain members of the Flathead band of Indians in the Territory of Montana, and for other purposes," approved March 2, 1889.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill extending the time for proof and payment on lands claimed under the desert-land law of the United States by the members of the Colorado Cooperative Colony in southwestern Colorado, and for other purposes."

CORINNE STRICKLAND.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 3473) for the relief of Corinne Strickland.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Corinne Strickland, widow of the late Jesse H. Strickland, \$3,965.81, as pay and allowances for the services of Jesse H. Strickland as colonel of the Eighth Tennessee Cavalry from January 30, A. D. 1833, to April 1, A. D. 1864.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT JOPLIN, MO.

Mr. COCKRELL. I ask unanimous consent for the consideration of the bill (S. 3560) to increase the limit of cost for the purchase of site and the erection of a public building at Joplin, Mo. It is only fifteen lines long, and is reported favorably from the Committee on Public Buildings and Grounds.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to increase the limit of cost for the purchase of site and the erection of a building for the accommodation of the United States post office and other Government offices in the city of Joplin, Mo., to \$105,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN E. WELCH.

Mr. FORAKER. I ask unanimous consent for the immediate consideration of the bill (S. 876) for the relief of John E. Welch. The PRESIDENT pro tempore. The bill will be read for information, subject to objection.

The bill was read, as follows:

Be it enacted, etc., That there be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$2,194, being the amount of pension due Mary Welch under certificate No. 119743 at date of her death, and that the said amount be duly paid by the Secretary of the Treasury to the said John E. Welch or his legal personal representative, the same being in full for all claims and demands which said John E. Welch has or may have for supporting and taking care of said pensioner during the period her pension was wrongfully withheld.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. PLATT of Connecticut. I do not object, but is there any report? I should like to have it read, if there is, or an explanation made.

Mr. FORAKER. There is a report in the case. I can make an explanation, however. I should be glad to have the report read.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report submitted by Mr. KEAN April 18, 1900, as follows:

The Committee on Claims, to whom was referred the bill (S. 876) for the relief of John E. Welch, submit the following report:

The examination of the claim by the committee leads them to the same conclusions as those reached by the Committee on Claims of the Fifty-fourth Congress, second session, Report No. 1305. It is therefore deemed unnecessary to recapitulate the facts set forth in that report, a true copy of which is hereto attached for information.

Your committee recommend the passage of the bill.

[Senate Report No. 1305, Fifty-fourth Congress, second session.]

The Committee on Claims, to whom was referred the bill (S. 700) for the relief of John E. Welch, have considered the same and report as follows:

Under pension certificate No. 119743 Mary Welch was granted a pension of \$8 per month as dependent mother of James I. Welch, Company I, Thirty-third Regiment Iowa Volunteer Infantry, who was killed in battle May 3, 1864.

The pensioner drew pension to June 4, 1876, when she learned that her right to such pension had been questioned, whereupon, by letter, she requested the Commissioner of Pensions to advise her as to her rights in the premises, and stated that inasmuch as she had a son, John E. Welch, upon whom she and her invalid husband depended for support, it was possible she was not legally entitled to a pension.

The pension authorities directed her to furnish a statement under oath as to the amount of her income from all sources, and promised upon receipt of same to inform her as to her right to a continuance of the pension.

Notwithstanding this information was promptly furnished, and several letters of inquiry were subsequently sent by her, the Pension Bureau failed to advise her as promised.

In response to further inquiry by the pensioner, she was informed that the case was held for special investigation to determine its general merits, and when completed she should be advised.

The special examiner reported June 26, 1879, "pension should be continued," and a memorandum in the papers, of date October, 1879, reads: "Case

in admitted files, June 27, 1879, pension continued." The office failed to advise her of its conclusion that she was entitled to a continuance of her pension, and as a result she was illegally and wrongfully deprived of her pension, rendering it necessary for her to depend for support upon her son, John E. Welch.

In January, 1894, she again filed a claim for restoration to the rolls, and after furnishing the evidence rendered necessary by the lapse of time, a certificate was issued dated December 14, 1894, restoring her name to the roll with pension at \$8 per month from June 4, 1876 (date of wrongful dropping), and \$12 from March 19, 1893, date of act increasing such pension from \$8 to \$12.

The pensioner died on the 5th day of December, 1894, nine days prior to the issuance of the certificate restoring her to the rights of which she had been illegally deprived.

The claimant, John E. Welch, by reason of the wrongful discontinuance of the payment of such pension, continued to support the pensioner to the date of her death, and is therefore clearly and justly entitled to the amount of pension thus due and unpaid.

The committee therefore recommend the passage of said bill.

Mr. GALLINGER. I wish to ask the Senator from Ohio whether this case was submitted to the Pension Bureau, and whether or not the Commissioner of Pensions gave any information touching it?

Mr. FORAKER. I do not know what the Committee on Claims did in that respect, but as the report shows, this pensioner was wrongfully dropped from the rolls and deprived of her pension for a period of about eighteen years, during all of which time she was making claim to it and asking for its allowance and continuance. Finally, after that long lapse of time, the Pension Bureau decided in her favor and restored her to the rolls, and informed her, or wrote a letter to the effect, that she had been so restored and there was due her this precise amount of money, but she had died some nine days, I believe, prior to that action being taken.

In the meanwhile, during those eighteen years, she was supported entirely by John E. Welch, her son, upon whom she was dependent, as the Pension Bureau is informed, and he is the claimant of that sum.

Mr. GALLINGER. The case strikes me as being a very extraordinary one. It is just possible that we can enact this bill into law without getting into any trouble in cases involving arrears of pension that are being claimed by a great many soldiers and their widows, but I do not think Congress ought to review the action of the Pension Bureau without being extremely careful. However, as the Bureau seems to have granted this pension the second time, and I presume it would run back to the time when she was dropped from the rolls—

Mr. FORAKER. That is the point.

Mr. GALLINGER. Carrying this amount of money, I shall not interpose an objection, but, on the other hand, think the bill ought to pass.

Mr. FORAKER. As to this amount, it was the finding of the Pension Bureau that she was entitled to it.

Mr. PLATT of Connecticut. I understand a certificate was actually issued.

Mr. FORAKER. It was actually issued, as shown by the report.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GUARANTY COMPANIES IN THE DISTRICT OF COLUMBIA.

Mr. KENNEY. I ask unanimous consent for the present consideration of the bill (H. R. 9143) to authorize the formation of guaranty companies in the District of Columbia.

Mr. HALE. There will be objection to the bill, as I learn from Senators about me.

The PRESIDENT pro tempore. Objection being made, the bill goes to the Calendar.

Mr. HALE. Therefore I move that the Senate proceed to the consideration of executive business.

Mr. STEWART. Will not the Senator give way to me that I may make a statement for five minutes?

Mr. BUTLER. Will the Senator yield to me that I may present certain amendments to appropriation bills? I have to leave tomorrow.

Mr. HALE. I withhold the motion.

[The amendments submitted by Mr. BUTLER appear elsewhere under the heading "Amendments to appropriation bills."]

Mr. MASON. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Maine withdraw his motion?

Mr. MASON. I hope the Senator will withhold it until I can have a short bill considered, to which there will be no objection. I have been waiting several hours to obtain unanimous consent.

Mr. HALE. I am appealed to in so many ways and by so many forms of importunity—one Senator says he has a very short bill and another says he has a very long bill—that I do not feel, under the circumstances—

Mr. STEWART. I want five minutes.

Mr. HALE. The Senator wants five minutes for a speech?

Mr. STEWART. To make an explanation.

Mr. HALE. For a speech?

Mr. STEWART. For a speech, to explain a bill.

Mr. HALE. I yield to the Senator from Nevada.

JOHN L. SMITHMEYER AND PAUL J. PELZ.

Mr. STEWART. Mr. President, on two occasions I have asked unanimous consent to call up the bill (S. 186) for the relief of John L. Smithmeyer and Paul J. Pelz, and twice it has been objected to, under misapprehension, no doubt. I wish to have the bill, which is short, and the report printed in the RECORD, and I wish to make a single remark in reference to it.

Mr. HALE. The Senator does not propose now to impose that old settler on the Senate for the purpose of passing it to-day.

Mr. STEWART. Oh, no.

Mr. HALE. Nor on any day.

Mr. STEWART. After you are convinced, I will pass it; and I can convince you if you will listen to me.

Mr. HALE. I agree that the matter shall be left in that way.

Mr. STEWART. I know you are a square man and you will be convinced. There is no doubt that Smithmeyer & Pelz were the architects of the Library building.

Mr. CHANDLER. It seems to me the Senator had better get the bill up. Then he will speak to the bill.

Mr. STEWART. I have the floor. This was let after competition. They labored for some thirteen years to produce the plan of this building, in competition with others. They produced the plan that eventuated in a building which is the admiration of the world. It was awarded to them in competition. They were entitled to compensation. Some six months after this award had been made to them they were employed for a short time on the building—a different contract, entirely disconnected with it. The court says it is entirely disconnected, and the judge who rendered the opinion said that if he could have his way he would decide in favor of Smithmeyer & Pelz:

Speaking for myself alone, I am of the opinion that compensation should be measured by the general rule and usage which govern the compensation of the profession.

But he goes on, after explaining it, that the balance of them say it should be gauged by the subsequent amount that was paid to them, Smithmeyer receiving \$5,000 a year and Pelz at the rate of three thousand during the short period of six months they were employed on the building. Then Smithmeyer got into trouble with some contractors furnishing cement, and he condemned it, and it raised a storm about his head.

Mr. HOAR. Will the Senator from Nevada pardon me? The trouble was occasioned solely by his inflexible honesty and fidelity to the Government.

Mr. STEWART. It was his inflexible honesty. The whole trouble was that he would not allow the Government to be imposed upon. Then when he applied for his payment, it was referred to the Court of Claims, and the Court of Claims, instead of paying him for his plans according to the ordinary rule, said that he should only have it at the rate, when he worked, that his services were paid for while in the service of the Government, disconnected entirely. The committee has investigated this thoroughly, and I have not come across a greater outrage than this is.

The bill proposes that the matter shall be referred again to the Court of Claims and that they shall determine what is due for these plans, what he received to be deducted. It has provided, after great labor, a rule for the court to act upon in determining this question:

Provided, however, That the measure of compensation shall be awarded upon a quantum meruit basis for all services rendered until such plans were accepted by the United States; and in the absence of express contract the rate of compensation subsequently paid to the claimants for services in the construction of the Library building shall not be evidence of the value of the services of claimants in preparing such plans: And provided further, That the measure of compensation shall not exceed the rates and rules established by the custom and usage of the profession of architects for such services; and the evidence heretofore taken and used by either party in the Court of Claims shall be competent in this suit and considered with such other evidence as either party may introduce.

Now, it is ridiculous to say that because he was subsequently employed for a little while, he shall be deprived of the results of thirteen years' labor in producing the plans for the edifice which the world admires. The whole account is stated in the report. I want to have it printed in the RECORD, so that it will be accessible to all. I want the bill and the report to be printed. The committee examined it very carefully, and I know of no greater outrage; and the whole of it results, as the Senator from Massachusetts says, because of his honesty in refusing to have poor material used in the construction of that building.

Mr. PLATT of Connecticut. All the Senator wants to do is to have the report printed in the RECORD.

Mr. STEWART. The report and the bill printed in the RECORD. That is all I ask. I give notice that I will ask unanimous consent once more for the consideration of the bill; and if I can not have it, then I am going to insist upon its being taken up. I will have

the yeas and nays on it. I have tried for two sessions to have a hearing on the matter, and I am going to have one before I quit.

The PRESIDENT pro tempore. Without objection, the bill and the report will be printed in the RECORD.

The bill and report are as follows:

A bill (S. 186) for the relief of John L. Smithmeyer and Paul J. Pelz.

Be it enacted, etc., That the United States Court of Claims be, and hereby is, given jurisdiction to rehear and render judgment in the claim of John L. Smithmeyer and Paul J. Pelz for compensation for their services in preparing the plans for the building for the Library of Congress, and no prior settlement or adjudication thereunder of their claim for compensation for said services shall be a bar: *Provided, however,* That the measure of compensation shall be awarded upon a quantum meruit basis for all services rendered until such plans were accepted by the United States; and in the absence of express contract the rate of compensation subsequently paid to the claimants for services in the construction of the Library building shall not be evidence of the value of the services of claimants in preparing such plans: *And provided further,* That the measure of compensation shall not exceed the rates and rules established by the custom and usage of the profession of architects for such services; and the evidence heretofore taken and used by either party in the Court of Claims shall be competent in this suit and considered with such other evidence as either party may introduce.

JOHN L. SMITHMEYER AND PAUL J. PELZ.

The Committee on Claims, to whom was referred the bill (S. 186) for the relief of John L. Smithmeyer and Paul J. Pelz, having considered the same, beg leave to report as follows:

A bill similar to this one was favorably reported to the Senate in the second session Fifty-fifth Congress. The report made by this committee in the last Congress is adopted as a part of this report, and your committee recommend the passage of the bill.

[Senate Report No. 1072, Fifty-fifth Congress, second session.]

The Committee on Claims, to whom was referred the bill (S. 3001) entitled "A bill for the relief of John L. Smithmeyer and Paul J. Pelz," have examined the facts upon which the memorial accompanying the bill is based, all of which facts are contained in the findings of fact of the Court of Claims in the case No. 16432, John L. Smithmeyer and Paul J. Pelz vs. The United States.

First. The claimants, John L. Smithmeyer and Paul J. Pelz, were in 1873 and afterwards copartners, doing business as architects in the city of Washington.

Second. Under the directions and at the request of the commissions and committees of Congress mentioned in the following acts of Congress, namely, the commission created by the sundry civil appropriation act, March 3, 1873 (17 Stat. L., 510-513); the Joint Committee on the Library of Congress, sundry civil act, June 23, 1874 (18 Stat. L., 204, 226); and the legislative appropriation act, August 15, 1876 (19 Stat. L., 143, 188); the Commission on the Enlarged Accommodation for the Library of Congress (act April 3, 1878, 20 Stat., 35); the Joint Select Committee on Additional Accommodation for the Library of Congress, organized under the act June 8, 1880 (21 Stat. L., 165); deficiency act, March 3, 1881 (21 Stat. L., 414, 424), and the act April 15, 1886 (24 Stat. L., 12), the claimants devoted their time as architects from 1873 until 1886 in the making of plans and drawings for a building for the Library of Congress.

During said thirteen years claimants prepared ten different plans, the first one being in competition with 27 other competitors. They were awarded the first prize in this competition. The other plans were of various styles of architecture, for which they were called upon from time to time by the commissions and committees of Congress. The plan finally adopted by act of Congress of April 15, 1886, and readopted in 1889, was for the present building in the Italian renaissance style of architecture. The claimants make no demand for compensation for any of their work except this one plan.

Third. The claimants in 1874 gave up their private business as architects and, until 1886, devoted themselves almost exclusively to their work on these plans for the Library building. In 1882 Mr. Smithmeyer traveled extensively over this country and in Europe, visiting library buildings in New York, Boston, Philadelphia, Baltimore, Chicago, Liverpool, London, Paris, Berlin, Vienna, Dresden, Leipzig, and Hanover, at the request of the Joint Select Committee of Congress, for the purpose of obtaining information in respect to the requirements of the great library buildings of the world. The act of 1886, adopting the plans of the claimants, created a commission to carry into execution the construction of the building. Work was commenced on the same in 1886.

Fourth. From the 15th of April, 1886, when the claimants' plans were adopted, until October 16th of that year, a period of six months, the claimants were not employed as architects of the building, but, on the contrary, a portion of the work of construction proceeded under the superintendence of the commission without any superintendence by the claimants or either of them. This clearly establishes the fact that the making of the plans and drawings and their adoption by the Government completed the service for which they had been employed by the Government. Whatever subsequent employment they might have in the superintendence of the construction of the building, if any, was then unknown to both parties. The service being completed and the plans and drawings delivered to the commission created by Congress, it only remained for the Government to pay suitable compensation for the work.

Fifth. Upon the question of compensation the Court of Claims, in its ninth finding, says:

IX.

The usual and customary schedule of charges and the professional practice of architects, as prescribed by the American Institute of Architects (chartered under the laws of the State of New York, and of which both claimants are members), the Western Association of Architects, and other architectural societies, including the District of Columbia, and by the profession generally, fixes the rates of compensation and rules governing the same as follows:

For full professional services (including supervision), 5 per cent upon the cost of the work.

The charge for partial service is as follows:

	Per cent.
Preliminary studies	1
Preliminary studies, general drawings, and specifications	2
Preliminary studies, general drawings, specifications, and details	3

For works that cost less than \$10,000, or for monumental and decorative work and designs for furniture, a special rate in excess of the above. An additional charge to be made for alterations or additions in contracts or plans, which will be valued in proportion to the additional time and services employed.

Necessary traveling expenses to be paid by the client.

The architect's payments are successively due as his work is completed in the order of the above classifications.

Until an actual estimate is received the charges are based upon the proposed cost of the works, and the payments are received as installments of the entire fee, which is based upon the actual cost.

These are the rates and rules established by the custom and usage of the profession, and are never deviated from by architects in good standing except under exceptional circumstances, and then only by a special and express contract.

The plans under which the building for the Library of Congress is being constructed are designed and intended for a monumental building within the meaning of the paragraph of the foregoing schedule which prescribes additional rates for such plans.

In a number of cases the executive branch of the Government has employed architects at the rates prescribed by the foregoing schedule of the American Institute.

Sixth. The tenth finding of the court applies this schedule to the services rendered by claimants and states the amount which should be deducted for the reason stated:

X.

The plans prepared and submitted by the claimants, and accepted and so used by the Government in the construction of the building, consisted of "preliminary sketches and general drawings," within the meaning of the classification in the schedule of the American Institute of Architects, and were so complete and perfect that any competent architect could take them and construct the contemplated building from them without the assistance or advice of the claimants.

For such preliminary studies and general drawings the rate of remuneration prescribed in the schedule set forth in the preceding finding is, with specifications added, 2½ per cent upon the cost or proposed cost of the work; but inasmuch as the kind of material and style of finish for the Library building had never been fixed upon by Congress, nor by any officer or agent of the Government, no specifications were ever prepared by the claimants.

They consequently were unable to furnish the specifications and were relieved from the duty and labor of preparing them. The court finds \$3,300 to be the reasonable value of the service of preparing specifications for this building from which the claimants were so relieved—that is to say, if the claimants are entitled to recover a commission of 2½ per cent on the cost or proposed cost of the building, the sum of \$3,300 represents the amount which may be deducted for specifications, which they were ready and willing to furnish, but which they did not in fact furnish to the defendants.

Seventh. As to the amount upon which 2½ per cent would be payable under the rules of the Institute of Architects, the estimated cost would govern until the actual cost was ascertained.

The foregoing facts taken from the findings of the Court of Claims, after a full hearing of the testimony for the Government and for the claimants, would, if the established custom of the Architects' Institute were to govern, establish the right of the claimants to the full compensation of 2½ per cent of the actual cost of the building, less \$3,300, which the court found to be the reasonable value of the services of preparing specifications for the buildings, from which the claimants were relieved for the reasons stated.

The actual cost of the building is now ascertained to be a little more than \$5,500,000. Two and a half per cent of this sum would be the fee for the plan under the rules of architects, and would amount to \$137,500. Deducting from this \$3,300 for the specification, not furnished (for reasons stated), and there would remain \$134,200 as the measure of this claim under the rules governing the profession. Of this amount, \$48,000 has been paid to the claimants under a judgment of the Court of Claims. It is for the remainder (\$119,200) that they now memorialize Congress.

On this subject of the amount of the compensation claimed, the claimants have submitted to the committee the following communication:

WASHINGTON, D. C., March 25, 1893.

DEAR SIR: In the matter of the claim of Smithmeyer & Pelz for services as architects for the Library of Congress, I beg leave to submit the following statement as to the amount that would come to the claimants in the event that the bill for our relief should become a law and the Court of Claims render a judgment for the maximum amount provided for in the bill, namely, the amount to which we would be entitled under the rates laid down in the rules of the American Institute of Architects:

Cost of building	\$5,500,000
(This is somewhat less than the actual cost.)	
2½ per cent of this amount for plans and drawings	137,500
Less amount of specification, not furnished	3,300
	134,200

In our case in the Court of Claims that court says, in its eleventh finding, that it was "shown that the cost of draftsmen, clerks, and office rent is usually about 50 per cent of the gross receipts of an architect's business, and that the cost of plans and specifications in the office of the Supervising Architect of the Treasury is about 2½ per cent on the cost of the building."

A calculation upon this basis would show that in the progress of their work upon the plans their expenses connected with it were \$79,750. We have not the data to supply a detailed statement of those expenses. It should be remembered that this work extended over a period of thirteen years.

Assuming, then, the correctness of the estimate by experts of the usual expenses attending such work, there would remain for our professional services \$79,750, which, for the thirteen years, would be \$3,135, or a little more than \$3,000 a year for each claimant.

We are, very respectfully, your obedient servants,

SMITHMEYER & PELZ.

HON. HENRY M. TELLER,

Chairman Committee on Claims, United States Senate.

This is not only the usual compensation of architects of good standing in their profession, but it is the rate of compensation which the Government has paid and is still paying for such services. In the case of *Tilley vs. The County of Cook* (103 United States Reports, page 155) the Supreme Court stated that if the architect's plan had been used evidence to show the usage would have been admissible, and intimated that it would have been binding upon the county. In *The District vs. Cuss* (Ibid., 705) the court, Justice Field delivering the opinion, said:

"In 1870 the board of trustees of colored schools for the District of Columbia employed the plaintiff, who is an architect by profession, to prepare the plans and specifications for a schoolhouse in Washington and to superintend its construction, agreeing to give him for his services 5 per cent on the cost of the building. This was the ordinary rate of charge of compensation for similar services in the District."

Referring to these decisions, and also giving his own opinion, Judge Nott, of the Court of Claims, in delivering the opinion of the court, used the following language:

"Speaking for myself alone, I am of the opinion that compensation should be measured by the general rule and usage which govern the compensation

of the profession. I think that in legal effect the claimants proffered their plans to Congress, through the intervention of the joint select committee, for inspection, coupled, nevertheless, with the implied condition that if they were used their services should be paid for as like services are paid for by other persons; that when Congress adopted the design by the act of 1886 the case reached the condition of *Tilley vs. County of Cook* (supra), and that when the defendants proceeded to give effect to the statute by actually using the plans in the erection of a building after their design the case entered the third stage, in which, as the Supreme Court intimates, the legal liability of the employer at last becomes fixed and the obligations to pay for the service becomes legally binding.

"I think, too, that the decisions of the Supreme Court holding that the usage of architects extends to and is binding upon a body politic erecting a public building (*Tilley vs. County of Cook*, supra), and that it has a recognized and established existence in the District of Columbia (*District of Columbia vs. Cluss*, 103 U. S. R., 705), are authority for holding the usage obligatory upon the Government for a building erected in the city of Washington. The sum which would be recovered is large (\$136,355), but the services embodied in these plans extended through the best part of these men's professional lives, and the risk which they ran was immense. From October, 1874, when they began to give their time to the Congressional committees and commissions, until October, 1886, when the work of construction actually began, no liability had fallen upon the defendants and no remuneration had been given to the claimants, who had fought through these twelve years against the professional competition of the whole world."

The amount named by Judge Nott was based on the estimated cost, and not on the actual cost, which was not then known. Judge Nott wrote no dissenting opinion, but the foregoing extract was a dissent from the decision of the court.

Speaking for the majority of the court, he said:

"But the majority of the judges are of the opinion that the acts of the parties indicate that the services should be estimated according to the rule of quantum meruit, and not according to the schedule of charges of the Institute of Architects. According to that schedule the claimants would be entitled to 2½ per cent up to the point where the suit brings their service, and to another 2½ per cent if that service should continue until the completion of the building."

"Instead of the latter the defendants elected to give, and the claimants consented to take, two annual salaries, amounting to \$8,000 a year, as an equivalent for the percentage they would be entitled to according to the schedule. The claimants having thus 'departed from the general rule of architects of measuring their compensation by the customary fees of their profession,' as is insisted by the counsel for the Government, and having done this with no express agreement or reservation as to the preceding part of their service, the court is of opinion that that part should be estimated according to the same rule which the parties themselves have adopted."

It is admitted that the claimants were the successful competitors out of twenty-eight; that their plans were adopted by an act of Congress; that these plans were adhered to in the construction of the building, excepting as to the omissions for economic reasons of certain portions of the interior only; that the established rate of compensation for such services is 2½ per cent on the cost of the building, and that all architects are entitled to 2½ per cent for plans and drawings and 2½ per cent for the superintendence of the building, when so employed. These things are all agreed upon by all the members of the Court of Claims. The only reason assigned in the opinion of the court for making a reduction in the rate of compensation for the plans and drawings in this case is that the architects accepted employment six months later for the superintendence of the construction of the building at aggregate salaries of \$8,000 per annum, and that, by this act, they waived their right to the customary and established charges of the institute for the former completed work of making the plans.

But when the architects were employed to superintend the work, it was six months after they had completed the plans, delivered them to the Government, and wholly ceased their connection with the Library Building.

The court says that according to the architect's schedule the claimants would be entitled to 2½ per cent up to the point where the suit brings their service, and to another 2½ per cent if that service should continue until the completion of the building. But that service did not continue. It wholly ceased after the six months referred to. The superintendence of the Library building was as distinct and separate from the plans and drawings as would have been the superintendence of another building in another locality.

This fact is clearly established by these words, contained in the additional findings of fact of the Court of Claims:

"From the passage of the act of April 15, 1886, until October 1, 1886, neither of the claimants were in any way in the employ of the defendants."

It nowhere appears in any of the rules of the Institute of Architects, nor in any of the testimony in the case, that the making of the plans and the superintending of the building are necessarily a single connected work. The Government at that time and long afterwards usually made its own plans for public buildings, and employed private architects to superintend their construction. In cases where it employed private architects to make plans it paid for the plans according to the rules of the institute, while for the construction it was the practice of the Government to pay a per diem and not a percentage. The testimony is clear on the point that under the rules of the Architects' Institute, special contracts are admissible, either for plans and drawings or for the superintendence of construction, and that fees will govern in each case where there is no special contract to the contrary.

It is not contended in this case that there ever was any agreement that the compensation for the plans should be less than the usual 2½ per cent. Nor was any effort ever made to obtain any such special contract.

Congress decided in October, 1888, to abolish the Library Commission and to place the superintendence of the building in charge of the Chief Engineer of the Army. Mr. Smithmeyer's services were dispensed with at once, and those of Mr. Pelz later on. No claim has been made for anything connected with the superintendence of construction.

Under the decision of the courts the acceptance by the claimants of a salary for superintendence of the building constituted in law an implied waiver of their right to the usual and established percentage rate of the American Institute of Architects for plans and drawings. It is obvious that the claimants were totally unaware that they had, by any act or omission of theirs, made such a waiver. They unwittingly made themselves the victims of a legal technicality. No such waiver had ever been hinted at or requested by or on behalf of their employer, the Government. To have volunteered it would have seemed an insane act. The courts could only deal with the claim in its strictly legal aspect, whatever the hardship this would work to the claimants.

The Library building is admired by all who look upon it. It is admitted that the claimants abandoned all other business and devoted thirteen years of professional skill to its creation. Without their knowledge or intention, and without any motive for doing so, they entangled themselves in a mere technicality of law, which operated to deprive them of the greater portion of the compensation to which the courts say they would otherwise have been entitled. We do not believe any honorable man would consent to enjoy the benefit of such an accident, and we therefore believe that the Government should be unwilling to retain in its Treasury the money which only an accident entitles it to and which in good faith and in fairness and equity belongs to the claimants.

Your committee therefore recommend the passage of the bill, with an amendment.

ADJOURNMENT TO MONDAY.

Mr. GALLINGER. I move that when the Senate adjourn today it be to meet on Monday next.

The motion was agreed to.

LIGHTS ON WARROAD AND RAINY RIVERS, MINNESOTA.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill (S. 4541) for the establishment of lights at the mouths of Warroad and Rainy rivers, Lake of the Woods, Minnesota.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT DURHAM, N. C.

Mr. BUTLER. I ask unanimous consent for the present consideration of the bill (S. 1286) to provide for the purchase of a site and the erection of a public building thereon at Durham, in the State of North Carolina.

There being no objection, the Senate proceeded to its consideration as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, on page 2, line 1, before the word "thousand," to strike out "one hundred and twenty-five" and insert "eighty;" so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and to cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post-office and other Government offices in the city of Durham and State of North Carolina, the cost of said site and building, including said vaults, heating and ventilating apparatus, and approaches, complete, not to exceed the sum of \$80,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM L. ORR.

Mr. MASON. I ask leave to call up the bill (H. R. 1454) for the relief of William L. Orr.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay sufficient to satisfy the claim of William L. Orr for services rendered the Government as second assistant engineer in the United States Navy from September, 1863, until March, 1865.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ARTHUR R. HENDERSON.

Mr. LODGE. I ask unanimous consent for the present consideration of the bill (S. 2813) for the relief of Arthur R. Henderson.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of the Treasury, in settling the accounts of Arthur R. Henderson while acting postmaster of Boston, Mass., to allow him to retain the sum of \$1,750 over and above his regular salary of assistant postmaster, for his services as acting postmaster for the term of seven months from June 1, 1899, to December 31, 1899, inclusive.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INVESTIGATIONS AND TESTS OF AMERICAN TIMBER.

Mr. FOSTER. I ask for the immediate consideration of the bill (S. 364) to appropriate funds for investigations and tests of American timber.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment.

Mr. TILLMAN. Mr. President—

The PRESIDENT pro tempore. Does the Senator rise to this bill?

Mr. TILLMAN. Yes, sir. From what committee does the bill come?

The PRESIDENT pro tempore. From the Committee on Agriculture and Forestry, the Chair is informed.

Mr. TILLMAN. What is the amount appropriated in it?

The PRESIDENT pro tempore. Forty thousand dollars.

Mr. TILLMAN. Where is this laboratory for these timber tests to be located?

Mr. FOSTER. At the discretion of the Secretary of Agriculture.

Mr. PLATT of Connecticut. Is there a report with the bill?

Mr. FOSTER. Yes; I have here a copy of the report.

Mr. PLATT of Connecticut. Let us have the report read.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report submitted by Mr. FOSTER on the 2d instant, as follows:

The Committee on Agriculture and Forestry, having had under consideration the bill (S. 364) to appropriate funds for investigations and tests of American timber, makes the following report:

The necessity exists for the speedy publication of authentic information regarding the relative strength and durability of American timber. While it is true that numerous tests have been made, and at various times and places, satisfactory information, suitably arranged in tables and in a comprehensive style, and covering the subject thoroughly and impartially, can not be collected and published by the Government because of a lack of appropriations for this commendable purpose.

Authentic information of the nature contemplated by the bill is most desirable, and the same will prove of incalculable value to the public at large. Great loss and much inconvenience result from a lack of reliable information on this subject, and in view of the enormous sums annually expended in harvesting the products of the American forests and in the purchase of lumber throughout the country, the data to be published should not only be complete, authentic, impartial, and comprehensive, but should be speedily compiled, as contemplated in this bill. Above all, the information desired by consumers and purchasers of lumber is something reliable, authentic, and authoritative; in a word, something complete and impartial that would be accepted as a standard reference.

The results desired would be of the greatest value to engineers, as well as the public generally. In fact, of such great value are these tests to engineers and those directly interested in possessing authentic data that several investigations have been conducted by private parties, particularly in recent years, as regards Douglas fir, or what is commonly termed "fir." The tests have been conducted mostly by railroad companies, for the purpose of availing themselves of such facts as would guide them in purchasing bridge and car-building lumber with the best possible results.

At present at the Northern Pacific Railroad shops at South Tacoma, Wash., 900 cars are being built entirely of Washington fir, that timber being utilized in preference to oak. While the railroad companies have investigated the strength and durability of fir, the people of the country generally are not aware of the results attained and are unable to secure authentic data on the subject.

With reference to that portion of the bill providing that 30 per cent of the amount appropriated be used in conducting investigations on the Pacific coast, it may be proper to direct attention to the fact that the State of Washington has an annual lumber cut aggregating approximately 700,000,000 feet, and the annual shipments by rail to the East, notwithstanding the long rail haul, amounts to nearly 300,000,000 feet. A considerable portion of these rail shipments is the direct result of the tests referred to, imparting, as they did, a more thorough knowledge possessed by railroad companies of the strength and durability of fir timber. This knowledge is, as a rule, not possessed by the public generally. Some idea, however, of the surprising results attained may be indicated by a comparison of the strength developed, under breaking tests, by white pine, Eastern oak, and Douglas fir:

Eastern white pine.....	Pounds. 1,610
Eastern oak.....	2,439
Douglas fir.....	4,320

Quite as interesting and surprising to the average citizen are the details of oak and fir tests, one of which is here given:

SOUTH TACOMA, WASH., January 24, 1896.

The following breaking tests were made by O. D. Colvin at the South Tacoma car shops of the Northern Pacific Railroad Company between eastern white oak and Washington fir:

A dressed piece 2 inches square was given an 18-inch span, and lift made by a hydraulic jack with the following results:

First. Two pieces were selected, which had not been seasoned, of both oak and fir. A lift was made until pieces broke. The result was as follows:

Fir, green.	Oak, green.
Pounds.	Pounds.
2,950	3,250
3,100	2,100
3,050	2,600
3,000	3,000
2,750	3,000
2,825	2,800
2,325	3,600
2,800	2,200
2,450	3,000
3,200	1,800
28,450	27,350
Average, 2,845	Average, 2,735

110 pounds in favor of fir.

Second. Ten pieces were selected, both oak and fir, well seasoned, and no attention given whatever to the bearing in regard to the grain. The lift was made until the piece broke. The result was as follows:

Fir, seasoned.		Oak, seasoned.	
Deflection.	Strain.	Deflection.	Strain.
Inch.	Pounds.	Inch.	Pounds.
$\frac{1}{16}$	3,500	$\frac{1}{16}$	4,250
$\frac{1}{8}$	3,400	$\frac{1}{8}$	3,300
$\frac{3}{16}$	4,000	$\frac{1}{4}$	2,800
$\frac{1}{2}$	3,700	$\frac{3}{8}$	3,900
$\frac{5}{8}$	5,000	$\frac{1}{2}$	2,300
$\frac{3}{4}$	3,900	$\frac{5}{8}$	3,100
$\frac{7}{8}$	4,100	$\frac{3}{4}$	3,100
$\frac{15}{16}$	4,700	$\frac{7}{8}$	4,200
$\frac{1}{8}$	3,200	$\frac{15}{16}$	3,000
$\frac{1}{16}$	3,500	$\frac{1}{8}$	2,700
$\frac{1}{8}$	39,000	$\frac{1}{8}$	32,150
Average, $\frac{1}{8}$	3,900	Average, $\frac{9}{16}$	3,215

685 pounds per stick in favor of fir.

Third. Six pieces of fir were selected which had been under cover one year, with the following results:

Fir.	
Deflection.	Strain.
Inch.	Pounds.
$\frac{1}{16}$	4,300
$\frac{1}{8}$	3,900
$\frac{3}{16}$	4,400
$\frac{1}{2}$	4,100
$\frac{5}{8}$	4,400
$\frac{3}{4}$	4,300
	25,400
Average ..	4,233

The conditions were the same in each test, and care was taken to select the best quality of both oak and fir.

This is to certify that I was present when the comparative test was made between oak and fir at the South Tacoma shops January 24, 1896, and know of my own personal knowledge that they are correct, as shown by the attached statement.

Witness:

H. W. TOPPING,
Of Parker & Topping.
G. H. GILMAN,
General Car Foreman Northern Pacific Shops.
J. T. HOWSON,
Manager American Foundry Company, South Tacoma.

A number of tests of yellow pine have been made at the Washington University, at St. Louis, Mo., and by various railroad companies and individuals, but for obvious reasons there is a lack of uniformity, completeness, and authenticity in available timber-test data. There is no accepted fountain head or authoritative source where accepted and reliable reports can be had, such as are generally accepted as a standard.

For the above reasons it is deemed eminently proper and very desirable that impartial and absolutely accurate timber-test data, covering all of the various woods of the country, be compiled as speedily as possible and published in compact and convenient form, in order that the same may become a standard reference on this important subject.

Mr. HALE. Mr. President, it is late, and evidently this bill is going to give rise to discussion and objection. I must insist on my motion to proceed to the consideration of executive business.

The PRESIDENT pro tempore. The Senator from Maine moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eighteen minutes spent in executive session the doors were reopened, and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned until Monday, May 7, 1900, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 4, 1900:

CLAIMS COMMISSIONERS.

William Glover Gage, of Michigan, to be the commissioner on the part of the United States under the conventions for a claims commission concluded between the United States and Chile August 7, 1892, and May 24, 1897.

William H. Hunt, of Montana, to be the agent on the part of the United States under the conventions for a claims commission concluded between the United States and Chile August 7, 1892, and May 24, 1897.

SUPERVISOR OF CENSUS.

William T. Bedford, of La Salle, Ill., to be a supervisor of the Twelfth Census for the Fifth supervisor's district of Illinois, vice William E. Birkenbeuel, deceased.

POSTMASTER.

Perry C. Hill, to be postmaster at Virden, in the county of Macoupin and State of Illinois, in the place of E. P. Kimball, whose commission expired March 9, 1900.

APPOINTMENT IN THE VOLUNTEER ARMY.

Forty-eighth Infantry.

First Lieut. Hugh Thomason, battalion adjutant, Forty-eighth Infantry, United States Volunteers, to be captain, May 1, 1900, vice Clayton, regimental quartermaster, resigned.

PROMOTION IN THE NAVY.

Lieut. Commander Samuel C. Lemly, of the United States Navy, a citizen of the State of North Carolina, to be Judge-Advocate-General of the Navy, with the rank of captain in the Navy, for the term of four years, from the 4th day of June, 1900.

CONSUL-GENERAL.

E. C. Bellows, of Washington, to be consul-general of the United States at Yokohama, Japan, vice John F. Govey, deceased.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

First Lieut. William C. De Hart, of New Jersey, to be a captain in the Revenue-Cutter Service of the United States, in place of Calvin L. Hooper, deceased.

Second Lieut. Andrew J. Henderson, of the District of Columbia,

to be a first lieutenant in the Revenue-Cutter Service of the United States, to succeed William C. De Hart, promoted.

Third Lieut. Charles W. Cairnes, of Maryland, to be a second lieutenant in the Revenue-Cutter Service of the United States, to succeed Andrew J. Henderson, promoted.

GOVERNOR OF HAWAII.

Sanford B. Dole, of Hawaii, to be governor of the Territory of Hawaii, an original appointment under the provisions of the act of Congress entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900.

SECRETARY OF HAWAII.

Henry E. Cooper, of Hawaii, to be secretary of the Territory of Hawaii, an original appointment under the provisions of the act of Congress entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 4, 1900.

SECRETARY OF LEGATION.

Sidney B. Everett, of Massachusetts, now consul at Batavia, to be secretary of the legation of the United States at Guatemala City, Guatemala.

PROMOTION IN THE ARMY.

Infantry arm.

Second Lieut. Frederick S. L. Price, Sixth Infantry, to be first lieutenant, March 11, 1900.

APPOINTMENTS IN THE VOLUNTEER ARMY.

Eleventh Cavalry.

First Sergt. George Sutherland, Troop M, Eleventh Cavalry, United States Volunteers, to be second lieutenant, April 27, 1900.

First Sergt. Edward S. Luthi, Troop C, Eleventh Cavalry, United States Volunteers, to be second lieutenant, April 27, 1900.

Thirty-seventh Infantry.

First Sergt. Thomas W. Gunn, Company K, Thirty-seventh Infantry, United States Volunteers, to be second lieutenant, April 27, 1900.

Thirty-ninth Infantry.

Battalion Sergt. Maj. Henry R. Casey, Thirty-ninth Infantry, United States Volunteers, to be second lieutenant, April 27, 1900.

Sergt. Maj. Archer W. Davis, Thirty-ninth Infantry, United States Volunteers, to be second lieutenant, April 27, 1900.

PROMOTION IN THE VOLUNTEER ARMY.

Thirty-third Infantry.

Second Lieut. Arthur N. Pickel, Thirty-third Infantry, United States Volunteers, to be first lieutenant, April 10, 1900.

POSTMASTERS.

Caroline B. Andrews, to be postmaster at Presidio, in the county of San Francisco and State of California.

Leander N. Turner, to be postmaster at Wall Lake, in the county of Sac and State of Iowa.

Ralph M. Potter, to be postmaster at Rockford, in the county of Floyd and State of Iowa.

David James, to be postmaster at Loveland, in the county of Larimer and State of Colorado.

Edward A. Cowles, to be postmaster at Patchogue, in the county of Suffolk and State of New York.

Clarence M. Alvord, to be postmaster at Livonia, in the county of Livingston and State of New York.

Henry Wood, to be postmaster at Loogootee, in the county of Martin and State of Indiana.

Anna V. T. Smith, to be postmaster at Bronxville, in the county of Westchester and State of New York.

James S. Merritt, to be postmaster at Port Chester, in the county of Westchester and State of New York.

John H. McGrath, to be postmaster at New Lebanon, in the county of Columbia and State of New York.

Thomas G. Moore, to be postmaster at Barnesville, in the county of Belmont and State of Ohio.

Peter Housel, to be postmaster at Shreve, in the county of Wayne and State of Ohio.

Francis Worden, to be postmaster at Coxsackie, in the county of Greene and State of New York.

Harry C. Budge, to be postmaster at Miami, in the county of Dade and State of Florida.

Joseph Kubler, to be postmaster at Custer, in the county of Custer and State of South Dakota.

Fred Schanzle, jr., to be postmaster at Elmwood Place, in the county of Hamilton and State of Ohio.

HOUSE OF REPRESENTATIVES.

FRIDAY, May 4, 1900.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

VETO MESSAGE OF THE PRESIDENT.

The SPEAKER laid before the House the following message of the President of the United States; which was read:

To the House of Representatives:

I herewith return without approval H. R. 4001, entitled "An act authorizing the adjustment of rights of settlers on the Navajo Indian Reservation, Territory of Arizona." My objections to the bill are embodied in the following statement:

This tribe has a population of about 20,500 souls, of whom 1,000 dress in the manner of white men, 250 can read, and 500 use enough English for ordinary conversation. Last year they cultivated 8,000 acres, and possessed, approximately, 1,000,000 sheep, 250,000 goats, 100,500 cattle, 1,200 swine, and very considerable herds of horses and ponies.

Prior to January last the reservation, which is in the extreme northeastern portion of the Territory of Arizona, consisted of lands set apart for the use of these Indians under the treaty of June 1, 1863 (15 Stat., 667), and subsequent Executive orders. On account of the conditions naturally prevailing in that section the reservation as then constituted was altogether inadequate for the purposes for which it was set apart. There was not a sufficient supply of grass or water within its borders for the flocks and herds of the tribe, and in consequence more than one-third of the Indians were habitually off the reservation with their flocks and herds, and were in frequent contention and strife with whites over pasturage and water.

After most careful inquiry and inspection of the reservation as it then existed, and of adjacent lands, by efficient officers in the Indian service, the Commissioner of Indian Affairs, with the concurrence of the Secretary of the Interior, recommended that the limits of the reservation be extended westward so as to embrace the lands lying between the Navajo and Moqui Indian reservations on the east and the Colorado and Little Colorado rivers and the Grand Canyon Forest Reserve on the west. This recommendation was supported by a very numerously signed petition from the white residents of that section, and also by a letter from the governor of the Territory of Arizona, in which it was said:

"I understand that a petition has been forwarded asking that the western limit be fixed at the Little Colorado River, as being better for all concerned and less liable to cause friction between the Indians and the whites. I earnestly hope that the prayer of the petitioners be granted, for the reason that the Little Colorado could be made a natural dividing line, distinct and well defined, and would extend the grazing territory of the Navajos to a very considerable extent without seriously encroaching upon the interests of white settlers who have their property in that neighborhood."

"I think great care should be exercised in questions of this nature, because of possible serious friction which may occur if the interests of all concerned are not carefully protected."

The investigation which preceded this recommendation, and upon which it was in part based, showed that with the boundaries of the reservation thus extended the Indians would be able to obtain within the limits of the reservation sufficient grass and water for their flocks and herds, and the Government would therefore be justified in confining them to the reservation, thus avoiding the prior contention and friction between them and the whites.

It appearing that but little aid had been extended to these Indians by the Government for many years, that they had taken on habits of industry and husbandry which entitled them to encouragement, and that it was neither just nor possible to confine them to the limits of a reservation which would not sustain their flocks and herds, an order was issued by me January 8 last extending the reservation boundaries as recommended. The Indians have accepted this as an evidence of the good faith of the Government toward them, and it is now the belief of those charged with the administration of Indian affairs that further contention and friction between the Indians and whites will be avoided if this arrangement is not disturbed.

The present bill proposes to open to miners and prospectors and to the operation of the mining laws a substantial portion of this reservation, including a part of the lands covered by the recent order. There has been no effort to obtain from the Indians a concession of this character, nor has any reason been presented why, if these lands are to be taken from them—for that will practically result from this bill if it becomes a law, even though not so intended—it should not be done in pursuance of negotiations had with the Indians as in other instances.

The Indians could not understand how lands given to them in January as necessary for their use should be taken away without previous notice in May of the same year. While the Indians are the wards of the Government, and must submit to that which is deemed for their best interests by the sovereign guardian, they should, nevertheless, be dealt with in a manner calculated to give them confidence in the Government and to assist them in passing through the inevitable transition to a state of civilization and full citizenship. Believing that due consideration has not been given to the status and interests of the Indians, I withhold my approval from the bill.

WILLIAM MCKINLEY.

EXECUTIVE MANSION, May 3, 1900.

The SPEAKER. The Clerk will read the bill by its title.

The Clerk read as follows:

A bill (H. R. 4001) authorizing the adjustment of rights of settlers on the Navajo Indian Reservation, Territory of Arizona.

Mr. SHERMAN. Mr. Speaker, I move that the message of the President and the bill be referred to the Committee on Indian Affairs.

The motion was agreed to.

REPRINT OF BILL.

By unanimous consent, a reprint was ordered of the bill (S. 1477) in amendment of sections 2 and 3 of an act entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents," approved June 27, 1890, and the accompanying report.

ORDER OF BUSINESS.

Mr. CANNON. Mr. Speaker, I move that the House resolve